

PERFORMANCE WORK STATEMENT

AIR FORCE SYSTEMS NETWORKING (AFSN)

(4 JUNE 2014)

1.0 OBJECTIVES: The AFSN objectives cited in this paragraph have no priority relationship one to another. They are listed to give the contractor a clear view of AFSN objectives relative to obtaining support for its mission. To be clear, the AFSN mission for which these objectives, Specific Technical and Project Management Support Tasks are written, encompass design analysis, testing (proof-of-concept, design verification/validation), implementation/installation, site acceptance testing and project closeout for all network efforts regardless of network level (i.e., base, intermediate (NOSC/INOSC, etc.), and/or AFNET (the Air Force Enterprise Network). The contractor support identified in this PWS will cover AFSN efforts, as prioritized by either [REDACTED] or 24 Air Force (to include its subordinate organizations) regardless of the funding appropriation provided by the aforementioned organizations (procurement or sustainment (aka O&M)). These objectives, along with their standards, methods of inspection and incentive/remedy information can be found in paragraph 5.1.7, and the Service Summary table contained therein. All tasks outlined in paragraph 4.1 and 4.2 Specific Technical and Project Management Support tasks facilitate successfully achieving these objectives. It is the government's expectation that the contractor will employ personnel who are capable of performing their respective duties independently and with minimum government supervision to meet its objectives.

- a. Complete WAN/LAN architectural analysis, to include Analysis of Alternatives (AoA), for feasibility, thoroughness, security, reliability and provide recommended action to AFSN 30 business days of task assignment.
- b. Complete network/component installation, configuration, testing and integration, troubleshooting and corrective actions associated with classified and unclassified networks to meet AFSN project implementation/installation schedules.
- c. Provide Tier III network systems support for problem resolution as required.
- d. Complete project management tasks for identifying, tracking, and coordinating implementation activities, with all project stakeholders (i.e., AFLCMC/HNI and their subordinate entities, base-level project management and operational personnel, 26 NOS (as required), and the INOSCs) within the specific AFSN timelines pertaining to each project/task.
- e. Complete circuit actions (i.e., order, change, discontinue, upgrade, downgrade, track and manage the status of Air Force long haul communications circuits).
- f. Complete Internet Protocol (IP) Address management actions to effectively plan, manage, assign, allocate and redistribute Air Force IP (IPV4 and IPV6) address space.
- g. Complete AFSN Integration Facility testing and deployment of current and future (to include Analysis of Alternatives (AoA) efforts) information technology requirements.
- h. Complete database systems administration, configuration management support to maintain, track and update the AFSN database and server.(See paragraph 4.1.7 for more information on this objective).

2.0 PLACE, PERIOD OF PERFORMANCE AND WORK HOURS:

2.1 Place of Performance.

The contractor shall accomplish this effort primarily within the AFSN offices and Integration Facility at [REDACTED] (hereafter known as their Home Station). However, extensive travel to Active Duty Air Force, Air Force Reserve (AFRC), and Air National Guard (ANG) sites worldwide (CONUS & OCONUS) is required. As such, the location to which the contractor personnel travel will become their work place until they return to their Home Station.

2.2 Travel.

The travel noted in paragraph 2.1 above includes weekend departures and/or returns to facilitate Monday morning starts and ensure work completion prior to personnel leaving a site. Additionally, contractor personnel may travel with AFSN personnel, or on behalf of AFSN, to vendor conferences, working group meetings, technical interchange, configuration management board (CCB) meetings, and other information or technical meetings as required and tasked by the AFSN Contracting Officer Representative (COR). Depending on the meeting schedule, this travel may also include weekend departure and/or return to ensure maximum attendance and participation during the entire duration of the meeting.

The contractor shall coordinate specific travel arrangements with the individual Contracting Officer's Representative (COR) to obtain advance, written approval for the travel about to be conducted. The contractor's request for travel shall be in writing and contain the dates, locations and estimated costs of the travel in accordance with the basic contract clause H047. If any travel arrangements cause additional costs to the task order that exceed those previously negotiated, written approval by CO is required, prior to undertaking such travel. Costs associated with contractor travel shall be in accordance with FAR Part 31.205-46, Travel Costs. The contractor shall travel using the lower cost mode transportation commensurate with the mission requirements. When necessary to use air travel, the contractor shall use the tourist class, economy class, or similar accommodations to the extent they are available and commensurate with the mission requirements. Travel will be reimbursed on a cost reimbursable basis; no profit or fee will be paid.

2.3 Periods of Performance.

Base Contract Period: 5 January 2015 – 4 January 2016
Option Period 1: 5 January 2016 – 4 January 2017
Option Period 2: 5 January 2017 – 4 January 2018
Option Period 3: 5 January 2018 – 4 January 2019
Option Period 4: 5 January 2019 – 4 January 2020

AFSN reserves the right to adjust or terminate the period of performance at the convenience of the government with cause.

2.4 Work Hours: Contractor normal work hours will coincide with AFSN operating hours. AFSN operating hours are 8 hour days with core hours of 9:00am to 3:00pm Central Time,

Monday through Friday. However, to meet AFSN implementation schedule milestones and customer requirements, Contract personnel performing activities 4.1.1 and 4.1.5 in this PWS, could be required to work odd hours or weekends.

3.0 DESCRIPTION OF SERVICES:

3.1 Scope of Work

This Performance Work Statement (PWS) provides for enterprise level, intermediate level and base level networking, analysis, design, proof of concept and other component testing, site surveys, implementation, installation, site acceptance and project management support to the AFSN office. This support is given for the development, adaptation and deployment, and sustainment of the Air Force (AF) Infrastructure at every network level. The scope of this effort will span the breadth of AFSN mission to provide design, development, technical and programmatic support, for the installation, sustainment and modernization of the Air Force classified and unclassified data communications requirements. This support will include providing network systems, installation and project support to AFLCMC/HNI (C3I) Program Management Office (PMO) and 24 Air Force (to include its subordinate organizations). To further clarify, the scope of this work includes all efforts tasked to AFSN by the aforementioned organizations regardless of funding appropriation (procurement or sustainment). For example, lifecycle implementation projects could encompass complete system upgrades, or removal, and replacement of, some system components that become, or will soon become, End-of-Life (EoL) and/or End-of-Support (EOS). Operational Support efforts would include replacement of network equipment (routers, switches, media converters, SDPs, etc.) that have failed and the failure could not be resolved through troubleshooting and/or fix actions.

3.2 Manpower Composition. The manpower composition of the AFSN office is a mix of government (civilian and military) and support contract personnel. In the major areas that support the AFSN mission, the breakout is as follows:

- Personnel
- a. Engineering/Technical Support: 25% Government and 75% Contract
 - b. Project Support: 75% Government and 25% Contract Personnel
 - c. Circuit Actions/Long Haul Communications: 100% Contract Personnel
 - d. Internet Protocol Address Management: 100% Contract Personnel
 - e. Data Base Management: 100% Contract Personnel

3.3 Contract Performance.

Contract performance designated in this PWS is relative to the contractor' support to the aforementioned AFSN mission.

4.0 Performance Requirements. The performance requirements stated in this section are broken down into two distinct areas. The first are tasks which comprise the Operational Support Functions required services. The second details the Lifecycle Implementation Functions – Optional Services. The Operational Support Functions area will be funded/exercised for each PoP of the contract. However, the Lifecycle Implementation Functions – Optional Services will

only be funded/exercised on a project by project basis when appropriations are received from the customer requesting AFSN support.

4.1 Specific Technical and Project Management Support Tasks (Operational Support Functions):

4.1.1 Task 1 Network Systems Technical Support: The contractor shall provide network systems technical support to AFSN to include the following:

- a. Develop detailed, comprehensive IPlans that capture the full range of technical implementation activities from initial tasking to concept development, solution engineering, integration, implementation, verification, and project closeout.
- b. Contractor personnel must meet and maintain DoD Directive 8570.1 certification requirements for Technical II (T2) category contractor technical personnel. Also, ensure contractor personnel have a working knowledge of TCP/IP.
- c. Conduct complete review, and analyze, complex customer WAN/LAN, voice, data and image requirements for clarity and full understanding of the customer's need.
- d. Review, and analyze in detail, customer proposed technical solutions for feasibility, thoroughness, security, reliability and maintainability, timeliness to implement, and cost effectiveness.
- e. Provide concurrence to the customer proposed technical solution, or recommend an alternate technical solution for customer approval.
- f. In the absence of a customer provided technical solution, develop/design a technical solution to satisfy customer requirements in a timely, efficient and cost effective manner.
- g. Ensure contractor developed technical solutions meet the feasibility, thoroughness, security, reliability and maintainability criteria to adequately satisfy the customer's requirement(s).
- h. Conduct AoA for large scale complex physical and logical communications networks under limited supervision and provide AoA report(s), with technical solution recommendations, to the AFSN Government Lead Engineer and Program Manager.
- h. Relative to project implementation, equipment/component removal/installations, the contractor shall:
 1. Provide support for surveying, installing, configuring, testing and integrating of network and cryptographic equipment in the AFNET. The contractor shall provide the same level of support for base-level, and/or intermediate-level, network implementations. Note that AFNET Installation support work often requires a corresponding approved Authorized Service Interruption (ASI), which is typically scheduled outside of normal duty hours such as weekends and at night.
 2. Provide in-briefs and/or out-briefs to base personnel as required for onsite visits.
 3. Inventory and transport all required components, and materials, from the base storage facility to the base installation location(s). These equipment/components could include equipment chassis, internal blades/cards, Uninterrupted Power

Supplies (UPS), and extended battery module(s), routers, switches, media converters, etc.

4. For equipment being removed and replaced, complete the systematic shutdown of the equipment/component, disconnect all cables (fiber and/or copper), and remove the equipment/component, remove specific blades/modules from equipment/component equipment (as required for form, fit and function replacement projects), and remove the equipment from their respective rack(s).
5. If required by the AFSN Implementation Plan (IPlan), build, install, ground and anchor equipment racks.
6. Install new equipment and properly secure new equipment in specified rack/equipment rack/cabinet, power on and configure equipment as required.
7. If required, install new, or blades/cards taken from removed equipment/components, into new equipment/components and place new equipment/components in their respective rack(s) IAW AFSN IPlan.
8. As required, employ DISA Applications Security Technical Implementation Guides (STIG).
9. Install and connect UPS and extended battery module(s), in their respective rack(s) (as required).
10. Troubleshoot, and resolve, both minor and complex network issues that may arise.
11. Ensure pristine cable management by properly securing and labeling appropriate cable connections.
12. Power on and configure new equipment IAW AFSN IPlan.
13. Perform site acceptance testing and complete the AFTO Form 747 for coordination and signature.
14. The contractor will also ensure the installation site is left in a clean and orderly fashion.
15. If equipment was removed, the contractor shall turn it over to the base POC for disposition unless specified otherwise.
16. Provide trip reports and site drawings for all work performed. Upon completion of each installation, update engineering drawings depicting the actual installation. Provide two sets of redlined engineering drawings. One shall be left with the site and the other used to produce finalized "as-built" drawings.

17. During installations, the contractor shall provide daily status updates to the respective AFSN project manager and Project Integration Branch Chief.

4.1.2 Task 2: Project Support: The contractor shall provide network management support to AFSN to include the following:

- a. Review customer requirements for clarity and communicate with customer to resolve any ambiguities in the requirement prior to entering into the AFSN data base.
- b. Enter new requirements/projects into the AFSN data base
- c. Update project information and documentation in the AFSN data base in timely manner.
- d. Push requirement to the AFSN COR, through the AFSN data base, to obtain technical/engineering support.
- e. Establish new project folders, and maintain existing project folders, to ensure all relative documentation is accurate and complete.
- f. Analyze implementation strategies to identify potential issues/risks to the proposed schedule and develop/recommend a viable plan to mitigate those issues/risks.
- g. Identify, track and coordinate installation activities with project stakeholders.
- h. Plan, schedule, control, execute and close entire projects, or segments of a project, to ensure delivered solutions meets customer/project requirements and is well documented.
- i. Enter IP Management Address requests into the AFSN data base.
- j. Coordinate all AFSN directed implementation/installation activities with all appropriate stakeholders.
- k. Assist sites in scheduling and processing Approved Service Interruption (ASI) request packages as required.
- l. Present implementation/installation efforts, IP Management Address and Circuit Action requests to the AFSN Peer Review (PR), either through attendance at the weekly peer review meeting or out-of-cycle via e-mail as appropriate, for approval.
- m. Provide weekly timeline/schedule status, either through attendance at the weekly Program Performance Review (PPR) meetings, or via verbal and/or e-mail responses to Government inquiries.
- n. Update project/task status in the AFSN database daily.

4.1.3 Task 3: Circuit Actions: The contractor shall provide circuit actions support to AFSN to include the following:

- a. Review customer Requests for Service (RFS) to order, change, discontinue, upgrade, or downgrade a circuit (or circuits).
- b. Monitor/provide quality control and guidance for RFS submitted to Air Force Space Command (AFSPC).
- c. Communicate with customer to clarify any ambiguities in the RFS.
- d. Enter RFS into the DISA web site.
- e. Identify and coordinate shipment of components to facilitate completion of requested circuit action.
- f. Coordinate the return shipment of components being removed from circuits discontinued (if required).

- g. Track and manage the status of communications circuits daily.
- h. Maintain and update the communications circuit configuration management database reflecting the current and projected long haul communications for Air Force sites.
- i. Brief status of circuit action requests/requirements at AFSN weekly Peer Reviews (PR) and/or Project Performance Reviews (PPR).
- j. Provide Subject Matter Expert (SME) support, on circuits/circuit actions, to aforementioned meetings and other meetings (i.e., Technical Interchange Meetings (TIM), Integrated Product Team (IPT), etc.) as requested by the Government.

4.1.4 Task 4: Internet Protocol (IP) Address Management: The contractor shall provide IP address management support to AFSN to include the following:

- a. Effectively plan, manage, administer assignment of, allocate and redistribute Air Force Internet Protocol (IPv4 & IPv6) address space consistent with DoD addressing scheme.
- b. Assign, verify and validate individual base and user IP addresses and ranges of addresses.
- c. Design, develop and test IPv6 technologies and protocols in a laboratory environment in support of Air Force and DoD IPv6 technical development and implementation activities.

NOTE: In addition to the above, an area of responsibility within the IP Address Management task that is difficult to quantify is the maintenance of the process and AF IP database. These actions are not tasked through our AFSN database, thus quantity and duration cannot be captured, but are indigenous to the overall task and critical to the accurate management, administration, allocation and redistribution of AF IP addresses.

4.1.5 Task 5: Integration Facility Support Services: The contractor shall provide Integration Facility support to AFSN to include the following:

- a. Provide test and deployment of Information Technology, currently in and planned for fielding to the AFNET.
- b. Build detailed test plans, configure corresponding testing environment and author test reports.
- c. Prepare concise work statements, test data, and efficient procedures.
- d. Apply attack and exploitation techniques and general security knowledge in the application of cryptography, network/systems security, authentication, and authorization in the design, development, testing to meet network security requirements.
- e. Devise appropriate tests to evaluate, debug and check equipment.
- f. Develop and recommend technical solutions to perform all procedures necessary to ensure the safety of enterprise networks and security transactions across the Internet.
- g. Demonstrate expert working knowledge of TCP/IP and routing protocols.
- h. Conduct tests (to include Time Compliance Network Orders (TCNO) and Information Assurance Vulnerability Alerts and Bulletins (IAVA and IAVB), etc), track and document results through simulated and/or connected network systems.

i. Provide Tier 3 expert level network systems support for operational problem resolution for the C3I Infrastructure Division and the 26th NOS.

j. Provide the proper mix of technical personnel with expertise in Information Technology including Network Traffic analysis, Network design and analysis, and Network Security Analysis and Design.

k. Provide the configuration management and documentation of the technical baseline (hardware/software) of the AFSN Integration Facility.

l. Develop any information technology/network solutions for operational requirements which will include accessing and maintaining configuration control of base architecture drawings and Internet Protocol addressing schemes.

m. Meet DoD Directive 8570.1 Requirements for Technical III (T3) category contract personnel.

4.1.6 Task 6: Basic Database Management: The contractor shall provide minimal database management support to AFSN, approximately 200 man hours. This database tracks all AFSN Program Office customer network architecture requirements. As such, database manager responsibilities under this task are as follows:

a. Provide a database manager who must have working knowledge/certification in Microsoft SQL Server.

b. Maintain the AFSN automated database which is currently based on the Metastorm E-Work application.

4.1.7 Task 7: Extended Database Management (Optional): If/when this option is exercised, database management responsibilities noted in paragraph 4.1.7, Task 7, will roll over into this task.

a. Maintain, track and update the AFSN database which is currently based on the Metastorm E-Work application.

b. Create queries and auxiliary databases in support of existing and new AFSN requirements.

c. Maintain a timeline of action items and report status weekly. The contractor shall coordinate database privileges with the AFSN COR Personnel.

d. Take necessary actions to ensure AFSN data is preserved during Metastorm E-Work application upgrades.

e. Explore cost effective and process improvement alternatives to enhance, or replace Metastorm E-Works.

f. Conduct AoA on possible Metastorm E-Works replacement products and provide AoA results, with recommendations, to AFSN Lead Engineer and Program Manager.

g. If/when a new database management product is approved, implement the data conversion from Metastorm E-Works to the new product while protecting the integrity of data and preventing loss of data during the conversion.

NOTE: The government intends to include Task 7 as an optional CLIN in the contract that would expand the support for database management under Task 6, but that CLIN will be

exercised only if the funding is received to cover the additional work. Contractor should include the pricing for Task 6 for contract periods and propose a separate pricing line for Task 7.

4.2 Specific Technical and Project Management Support Tasks (Lifecycle Implementation Functions):

4.2.1 Network Implementation Support (OPTIONAL): Relative to Network Implementation Support, equipment/component removal/installations, the following contractor responsibilities apply:

1. Contractor personnel must meet and maintain DoD Directive 8570.1 certification requirements for Technical II (T2) category contractor technical personnel. Also, ensure contractor personnel have a working knowledge of TCP/IP.
2. Provide support for surveying, installing, configuring, testing and integrating of network and cryptographic equipment in the AFNET. The contractor shall provide the same level of support for base-level, and/or intermediate-level, network implementations. Note that AFNET Installation support work often requires a corresponding approved Authorized Service Interruption (ASI), which is typically scheduled outside of normal duty hours such as weekends and at night.
3. Provide in-briefs and/or out-briefs to base personnel as required for onsite visits.
4. Inventory and transport all required components, and materials, from the base storage facility to the base installation location(s). These equipment/components could include equipment chassis, internal blades/cards, Uninterrupted Power Supplies (UPS), and extended battery module(s), routers, switches, media converters, etc.
5. For equipment being removed and replaced, complete the systematic shutdown of the equipment/component, disconnect all cables (fiber and/or copper), and remove the equipment/component, remove specific blades/modules from equipment/component equipment (as required for form, fit and function replacement projects), and remove the equipment from their respective rack(s).
6. If required by the AFSN IPlan, build, install, ground and anchor equipment racks.
7. Install new equipment and properly secure new equipment in specified rack/equipment rack/cabinet, power on and configure equipment as required.
8. If required, install new, or blades/cards taken from removed equipment/components, into new equipment/components and place new equipment/components in their respective rack(s) IAW AFSN IPlan.

9. As required, employ DISA Applications Security Technical Implementation Guides (STIG).
10. Troubleshoot, and resolve, both minor and complex network issues that may arise.
11. Install and connect UPS and extended battery module(s), in their respective rack(s) (as required).
12. Ensure pristine cable management by properly securing and labeling appropriate cable connections.
13. Power on and configure new equipment IAW AFSN IPlan.
14. Perform site acceptance testing and complete the AFTO Form 747 for coordination and signature.
15. The contractor will also ensure the installation site is left in a clean and orderly fashion.
16. If equipment was removed, the contractor shall turn it over to the base POC for disposition unless specified otherwise.
17. Provide trip reports and site drawings for all work performed. Upon completion of each installation, updated engineering drawings depicting the actual installation. Provide two sets of redlined engineering drawings. One shall be left with the site and the other used to produce finalized "as-built" drawings.
18. During installations, the contractor shall provide daily status updates to the respective AFSN project manager and Project Integration Branch Chief.

4.2.2 Project Implementation Support (OPTIONAL): The contractor shall provide project management support to AFSN to include the following:

- a. Review customer requirements for clarity and communicate with customer to resolve any ambiguities in the requirement prior to entering into the AFSN data base.
- b. Enter new requirements/projects into the AFSN data base.
- c. Update project information and documentation in the AFSN data base in timely manner.
- d. Push requirement to the AFSN COR, through the AFSN data base, to obtain technical/engineering support.
- c. Establish new project folders, and maintain existing project folders, to ensure all relative documentation is accurate and complete.
- d. Analyze implementation strategies to identify potential issues/risks to the proposed schedule and develop/recommend a viable plan to mitigate those issues/risks.
- e. Identify, track and coordinate installation activities with project stakeholders.

f. Plan, schedule, control, execute and close entire projects, or segments of a project, to ensure delivered solutions meets customer/project requirements and is well documented.

g. Coordinate all AFSN directed implementation/installation activities with all appropriate stakeholders.

h. Assist sites in scheduling and processing Authorized Service Interruption (ASI) request packages as required.

i. Present implementation/installation efforts, IP Management Address and Circuit Action requests to the AFSN Peer Review (PR), either through attendance at the weekly peer review meeting or out-of-cycle via e-mail as appropriate, for approval.

j. Provide weekly timeline/schedule status, either through attendance at the weekly Program Performance Review (PPR) meetings, or via verbal and/or e-mail responses to Government inquiries.

k. Update project/task status in the AFSN data base daily.

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5.0 Historical Data Summary.

AFSN Historical Data Summary (For the period of Jan 2013 through Jan 2014)			
PWS Paragraph Reference	Functional Area	Full Time Equivalents (FTE)	Number of Events
4.1.1	Network Systems Technical Support	7	832
4.1.2	Project Support	2	839
4.1.3	Circuit Actions	2	702
4.1.4	Internet Protocol (IP) Address Management	1	3073
4.1.5	Integration Facility Support Services	3	600
4.1.6	Basic Database Management	0.1	20
4.1.7	Extended Database Management	1	300
4.2.1	Network Implementation Support	6	150
4.2.2	Project Implementation Support	2	150

NOTE: For the purposes of PWS paragraphs 4.2.1 and 4.2.2 shown in the table above, an event is defined and the travel to and from a base, removal of old (End- of-Life (EoL) or End-of-Support (EoS)) systems/components, installation of new/replacement systems/components, conducting site acceptance testing and coordination of site acceptance documentation, providing updated “As-Built” drawings (CDRL A009) and delivering Trip Reports (CDRL A006).

5.1 General Requirements:

5.1.1 Contract Management: The contractor shall provide a task lead to function as the overall task manager for this effort. This individual shall be located onsite at the AFSN Offices, Maxwell AFB, Gunter Annex, Alabama. The task lead shall be responsible for overall contract performance and is the single point of contact for government management personnel. The onsite task lead shall formulate and enforce work standards; assign contractor schedules; organize,

direct, and coordinate planning and execution of all contract activities. The onsite task lead shall organize resources to support many concurrent activities and manages execution of multiple concurrent activities. The onsite task lead shall conduct oral and written communications with all levels of corporate management and with all levels of government management personnel. This contractor Task Lead will provide the AFSN COR Personnel a monthly status report detailing delivery of services provided in the form of measurable metrics, as well as, any ongoing or projected issues that would affect the contractor's ability to perform contractual obligations/responsibilities. Monthly Status Reports are due to the AFSN COR. The contractor shall also perform quarterly Program Management Reviews (PMR) with AFSN senior leadership and the AFLCMC/HIK Contracting Officer. The contractor will conduct the PMR onsite at the AFSN Offices, or other AFSN designated location, at Maxwell AFB, Gunter Annex, Alabama. The contractor Task Lead will deliver PMR minutes to the AFSN COR IAW 5.1.10 Deliverables and Delivery Schedule. In addition, the contractor will be responsible for full compliance to the requirements for company and personnel clearance for travel to, and work in, the Republic of Korea. (See Attachments 2 and 3 of this document). Additionally, the contractor must comply with Executive Order 13495, dated 30 January 2009, Non-displacement of Qualified Workers Under Service Contracts, Section 1. Under referenced Executive Order which reads; "The contractor, and its subcontractor(s), are required to offer those employees (other than managerial and supervisory employees) employed under the predecessor contract, whose employment will be terminated as a result of the award of the successor contract, a right of first refusal of employment under the contract in positions for which they are qualified. There shall be no employment openings under the contract until such right of first refusal has been provided. Nothing in Executive Order 13495 shall be construed to permit a contractor, or subcontractor, to fail to comply with any provision of any other Executive Order or law of the United States."

The contractor shall establish and provide a qualified workforce capable of performing the required tasks. The workforce shall include a project/task order manager who will oversee all aspects of the task order. The contractor shall use key performance parameters to monitor work performance, measure results, ensure delivery of contracted product deliverables and solutions, support management and decision-making and facilitate communications. The contractor shall identify risks, resolve problems and verify effectiveness of corrective actions. The contractor shall institute and maintain a process that ensures problems and action items discussed with the Government are tracked through resolution and shall provide timely status reporting. Results of contractor actions taken to improve performance shall be tracked, and lessons learned incorporated into applicable processes. The contractor shall establish and maintain a documented set of disciplined, mature, and continuously improving processes for administering all contract and Task Order efforts with an emphasis on cost-efficiency, schedule, performance, responsiveness, and consistently high-quality delivery. The contractor shall provide transition plans as required.

5.1.2 : Meetings: The contractor shall attend meetings and when attending produce meeting minutes as directed by AFSN, to include routine meetings, Peer Reviews, Technical Interchange Meetings (TIMs), and conferences. The contractor shall conduct Program Management Reviews (PMRs) quarterly or as directed by the AFSN Program Office.

5.1.3 Contractor Products: Any and all products produced by the contractor in support of this PWS become the property of the Government/AFSN. This includes, but is not limited to, all Contractor developed software (i.e., patches, applications, scripts, macros, etc.), along with associated data and documentation.

NOTE: Data Rights and Non-Commercial Computer Software

In order to implement the provisions at DFARS 252.227-7013(b) and (e) and DFARS 252.227-7014(b) and (e) and DFARS 252.227-7017, the Contractor shall disclose to the ordering Contracting Officer and ordering office in any proposal for a contract, or after award of a contract if not previously disclosed in the proposal, any technical data or non-commercial computer software and computer software/source code documentation developed exclusively at government expense in performance of the contract. This disclosure shall be made whether or not an express requirement for the disclosure is included or not included in the PWS or solicitation for the contract. The disclosure shall indicate the rights asserted in the technical data and non-commercial computer software by the Contractor and rights that would be acquired by the government if the data or non-commercial software was required to be delivered under the contract and its CDRL requirements and any cost/price associated with delivery. This disclosure requirement also applies to segregable routines of non-commercial software that may be developed exclusively at Government expense to integrate Commercial Software components or applications provided under a commercial software license or developed to enable Commercial Software to meet requirements of this contract. Performance of this disclosure requirement shall be considered a material performance requirement of any contract under which such technical data or non-commercial computer software is developed exclusively at Government expense.

5.1.4 Continuity Documentation: The contractor shall develop, IAW the AFSN approved format, and maintain Continuity Folders for each functional area (i.e., engineering/technical support, Internet Protocol (IP) Management, Circuit Actions, and Project Management). These contractor Continuity Folders will be utilized by all contractor personnel assigned to those functional areas and a copy of each continuity folder will be delivered to the AFSN COR IAW 5.1.10 Deliverables and Delivery Schedule. The continuity folders should contain, as a minimum, a list of Points of Contact (POC), list of references of government DoD, DISA and AF policy and procedural documentation governing the actions required by the task and a succinct step-by-step breakdown of the processes and procedures for executing each task.

5.1.5 Other Direct Cost (ODC): The contractor shall identify ODC and miscellaneous items required in the performance of this PWS. No profit or fee will be added; however, DCAA approved burden rates are authorized.

5.1.6 Expertise, Knowledge, and Certifications: Contractor is encouraged to have business processes/process improvement certifications (i.e., CMMI, ISO, etc) granted by a bonafide third party evaluator/certification authority.

5.1.7 Performance Standards: The contractor service requirements are summarized into performance objectives that relate directly to mission essential items. The performance threshold briefly describes the minimum acceptable levels of service required for each requirement. These thresholds are critical to mission success and are stated in the following table:

NOTE: A point of emphasis for AFSN is the contractor's management approach in addressing contractor personnel (under the FFP contract structure and constraints) working beyond normal duty hours or week. As stated in paragraph 2.2 of this PWS, travel on weekends may be required. Also, contractor personnel may be required to work "additional" hours, whether at a TDY site or at home station, to accomplish the mission/task. The contractor must have a viable management approach to addressing this potential circumstance without jeopardizing their performance and mission/task accomplishment.

SERVICE SUMMARY

Performance objectives	Para Reference	Performance Standard	Performance Threshold	Data source and Method of Surveillance	Incentive/Remedy
Analyze WAN architecture for feasibility, thoroughness, security, reliability and provide technical recommendation, in an Analysis of Alternatives (AoA) report, to AFSN.	1.0a, 4.1.1, 4.1.5 and 5.1.1	AoA should contain at least 3 technical solution alternatives and the recommended technical solution must be cost effective and be able to be implemented to meet the need date established by the Government. AoA must be completed and delivered within 5 working days from completion of testing.	AoA should contain at least 2 technical solution alternatives and the recommended technical solution must be cost effective and be able to be implemented to meet the need date established by the Government. AoA must be completed and delivered within 7 working days from completion of testing.	<p>AoA reports and test plans/reports, project status reports and Monthly Status Reports.</p> <p>Network Systems Recommendation Report (CDRL A002)</p> <p>100% Inspection upon final delivery</p>	<p>Incentive: Positive CPAR rating</p> <p>Remedy: Appropriate corrective action through the contracting office IAW paragraph 5.1.9 of this PW and a negative (or out-of-cycle) CPAR rating.</p>
Develop, and with AFSN Government approval, exercise strategies for fielding, implementation, and risk mitigation efforts supporting the Air Force Network. Develop schedules, with timelines, for all implementation activities to include site surveys, installations, test and integration and site	1.0b and 1.0d, 4.1.2, 4.2.1, 4.2.2 and 5.1.1	The contractor will deliver Implementation Plans, with risk indicators and mitigation strategy, within 5 working days from task assignment.	The contractor will deliver Implementation Plans, with risk indicators and mitigation strategy, within 7 working days from task assignment.	<p>Implementation Plans, with schedules, (CDRL A005)</p> <p>100% upon delivery.</p>	<p>Incentive: Positive CPAR rating</p> <p>Remedy: Appropriate corrective action through the Contracting Office IAW paragraph 5.1.9 of this PW and a negative (or out-of-cycle) CPAR rating.</p>

acceptance.					
Provide skilled/qualified technical personnel to support the AFSN missions.	1.0a-h, 4.1.1, 4.1.5, 4.2.1, 4.2.2, 5.1.1 and 5.1.13	Contractor technical support personnel will meet DoD 8570.1 requirements for Technical II (T2) and Technical III (T3) category prior to beginning work for AFSN under this contract.	Contractor technical support personnel will meet DoD 8570.1 requirements for Technical II (T2) and Technical III (T3) category within 6 months of beginning work for AFSN.	Contractor provided certifications for technical support personnel (CDRL A010). 100% Validation/Verification upon delivery of certificates for new technical support personnel.	Incentive: Positive CPAR rating Remedy: Appropriate corrective action through the contracting office IAW paragraph 5.1.9 of this PW and a negative (or out-of-cycle) CPAR rating

Performance Objectives	Para Reference	Performance Standard	Performance Threshold	Data source and Method of Surveillance	Incentive/Remedy
Provide Tier III network systems support for problem resolution.	1.0c, 4.1.1 4.1.5 and 5.1.1	Contractor will respond to Non-Emergency problems within 24 hours of notification and to Emergency problems within 2 hours of notification. Contractor will also, within the boundaries for which the Contractor has control, provide and execute a 100% resolution to the problem.	Contractor will respond to Non-Emergency problems within 48 hours of notification and to Emergency problems within 3 hours of notification. Contractor will also, within the boundaries for which the Contractor has control, provide and execute a 95% resolution to the problem.	Monthly Status Report (MSR) (CDRL A001) 100% upon delivery	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating
Provide network installation, configuration, integration, testing, troubleshooting and problem corrections associated with AFSN implementations of classified and unclassified networks	1.0b, 4.2.1 and 5.1.1	Assign task(s) and successfully complete all tasks under this performance objective within AFSN mandated timeframes and/or implementation schedules No deficiencies or rework	Assign task(s) and successfully complete all tasks under this performance objective within AFSN mandated timeframes and/or implementation schedules Minor deficiencies and/or minimal rework	Monthly Status Reports (CDRL A001 and Trip Reports (CDRL A006) 100% upon delivery	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating
Provide project management support for identifying, tracking and coordinating all implementation activities, with respective sites and all applicable stakeholders for all current and future	1.0d, 4.1.2, 4.2.2 and 5.1.1	Contractor project management personnel will have a minimum of 3 years project management, or personnel/resource management,	Contractor project management personnel will have a minimum of 1 year project management, or personnel/resource management,	Contractor provided resumes prior to contact award and prior to new project management	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through

network requirements as prioritized by AFSN		experience	experience	personnel beginning work at AFSN 100% upon delivery	the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating
Provide Internet Protocol (IP) Address Management support to effectively plan, manage, administer assignment of, allocate and redistribute Air Force IP (IPv4 and IPv6) address space	1.0.f, 4.1.4 and 5.1.1	Contractor will complete all required actions within 5 working days of tasking through the AFSN database	Contractor will complete all required actions within 7 working days of tasking through the AFSN database	DoD Scheme, Monthly Status Reports (CDRL A001) and AFSN database report Monthly	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating

Performance Objectives	Para Reference	Performance Standard	Performance Threshold	Data source and Method of Surveillance	Incentive/Remedy
Provide circuit actions support to order, changes, discontinue, upgrade, downgrade, track and manage the status of Air Force communications circuits	1.0e, 4.1.3 and 5.1.1	Contractor will initiate actions within 8 hours of receiving circuit action request	Contractor will initiate actions within 16 hours of circuit action request	Monthly Status Report (MSR) (CDRL A001) and AFSN database report Monthly	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating
Provide AFSN Integration Facility support for testing and deployment of current and future (to include Proof of Concept (PoC) and AoA efforts) information technology for the Air Force network	1.0g, 4.1.5 and 5.1.1	Testing results and subsequent recommendations will not present any security issues and will not cause more than a 5% network configuration modification	Testing results and subsequent recommendations will not present any security issues and will not cause more than a 10% network configuration modification	Monthly Status Reports (CDRL A001 and Test Reports (CDRL A004) 100% upon delivery	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating
*Provide minimal support for the AFSN database to maintain, track, and update the AFSN automated database which is currently based on the Metastorm E-Work application	1.0h, 4.1.6, 4.1.7 and 5.1.1	Complete all tasks within 5 working days from AFSN PM approval. Contractor must have MS SQL Server certification at contract start	Complete all tasks within 10 working days from AFSN PM approval. Contractor must have MS SQL Server certification at contract start	Monthly Status Reports (CDRL A001) and AFSN database report Certification provided at contract	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or

				award. 100% upon delivery	out-of-cycle) CPAR rating
Delivery of all CDRLs, with accurate and complete information IAW accordance with CDRL Table found in paragraph 5.6 of this PWS	1.0, 5.1.1 and 5.6	See Table in paragraph 5.1.9	See Table in paragraph 5.1.9	All CDRLs	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.8 of this PWS and a negative (in or out-of-cycle) CPAR rating
Ensure all assigned tasks are satisfactorily completed IAW AFSN mandated timeframes and schedules	1.0a-h, 4.1 and 4.1.1 through 4.1.9, 4.2.1, 4.2.2, 5.1.1 and 5.6	100% of assigned tasks are satisfactorily completed on time with NO rework	95% of assigned tasks are satisfactorily completed on time with minimal rework	AFSN database, Monthly Status Reports (CDRL A001) and Trip Reports (CDRL A004)	Incentive: Positive CPAR rating Remedy: Appropriate corrective actions(s) through the contracting officer IAW paragraph 5.1.9 of this PWS and a negative (in or out-of-cycle) CPAR rating

***Note: If additional funding is received to allow AFSN to exercise the option, to expand the Database Management task (as established in paragraph 4.1.8), the Performance Standard, Threshold, Data Source and method of surveillance, and Incentive/Remedy will apply to tasks in both paragraphs 4.1.7 and 4.1.8.**

5.1.8 Incentives: There are no monetary contract incentives negative or positive. If work exceeds standards, the positive non-monetary contract incentive will be an exceptional Contractor Performance Assessment Report (CPAR) rating.

5.1.9 Remedy: The process for remedying unsatisfactory contractor performance will be in accordance with FAR Part 49 paragraphs 49.102 and 49.607, and AFLCMC/HIK local policy and procedures, for effecting contractor positive performance corrective actions and/or contract termination with cause. These processes and procedures are detailed in the AFSN Performance Plan.

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5.1.10 Deliverables and Delivery Schedule: The following provides required deliverables and timeframes for them to be delivered to AFSN.

CDRL Number	Deliverable	Delivery Threshold	Delivery Objective
A001	Monthly Status Report (MSR)	10 Business days from end of reporting month	8 Business days from end of reporting month
A002	Network Systems Recommendation Report	7 Business days from completion of analysis	5 Business days from completion of analysis
A003	Meeting Minutes	5 Business days from end of meeting	3 Business days from end of meeting
A004	Test Reports	15 Business days from completion of testing	10 Business days from completion of testing
A005	Implementation Plans	Deliver Implementation Plan & schedules, with risk indicators and mitigation strategy, within 10 working days from task assignment	Deliver Implementation Plan & schedules, with risk indicators and mitigation strategy, within 5 working days from task assignment
A006	Trip Reports	7 Business days from return of AFLCMC/HI traveler	5 Business days from return of AFLCMC/HI traveler
A007	Continuity folder	15 Business days from requested government review	10 Business days from requested government review
A008	Quality Control Plan	20 Business days after contract award	10 Business days after contract award
A009	As Built Drawings	7 Business days from return of traveler	5 Business days from return of traveler
A010	Contractor Resumes & Technical/Professional Certificates	Prior to contract start and any new contractor technical support personnel beginning work.	Prior to contract start and any new contractor technical support personnel beginning work.

5.1.11 Government Furnished Equipment and Information (GFE/GFI): The Government will furnish or make available working space, network access, and equipment to include:

- ☐ Windows PC with Microsoft Office Suite (Outlook, Word, Excel, PowerPoint, etc.)
- ☐ Telephone (local/long distance calls authorized as dictated by Task Order performance requirements)
- ☐ Facsimile
- ☐ Copier
- ☐ Printer

Copies of required Government furnished materials cited in the solicitation, PWS, DD Form 254, and/or in the Task Order will be provided to the contractor in hard copy or soft copy. All materials will remain the property of the Government and will be returned to the responsible Government QAP upon request or at the end of the Task Order period of performance.

Equipment purchased by the contractor with the approval of the Government and directly charged to this Task Order shall be considered government owned-contractor operated equipment. The contractor shall conduct a joint inventory and turn in this equipment to the COR upon request or completion of the Task Order.

5.1.12 AFLCMC/HI Security Requirements for contractors Requiring Access to Classified Information: See Attachments 1 and 2.

5.1.13 Department of Defense (DoD) Directive 8570.1 Requirements: Contractor employees performing functions identified in paragraphs 4.1.2, 4.1.3, 4.1.6 and 4.2.1 of this PWS shall meet DoD Directive 8570.1 Requirements, to include Common Environment (CE) certification, prior to beginning work for AFSN under this contract. Personnel who fail to maintain their certification status shall not be permitted privileged access to DoD Information Systems.

5.1.14 Contractor Identification: Contractor employees shall be easily recognized as contractor employees with an identification badge that includes, as a minimum, a person's name, the name of the contractor, and the word "Contractor." Each contractor employee shall wear the badge on the outer clothing on the front of the body between the neck and the waist so that the badge is visible at all times (Note: if wearing an identification badge jeopardizes safety of contractor personnel in performance of their duties, the badge will be removed until the job is completed and the hazard is no longer present). Each person shall be required to identify themselves as contractor employees in all written correspondence and telephone conversations.

5.1.15 Privacy Act: Work on this project requires that personnel have access to Privacy Information. Personnel shall adhere to the Privacy Act, Title 5 of the U.S. Code, Section 552a and applicable agency rules and regulations.

5.1.16 Conflict of Interest: The contractor shall acknowledge familiarity with the Federal Acquisition Regulation (FAR), Part 9, Subpart 9.5, entitled "Organizational and Consultant Conflicts of Interest," and agrees he/she will avoid conflicts of interest in accordance with the

principles set forth in this subpart. Since the contractor under the terms of this contract will have access to government and third party data which might place the contractor in an organizational conflict of interest, the contractor agrees to perform this contract as set forth below:

a. The contractor shall notify the Contracting Officer in writing when work assigned under this order would require the contractor to review, plan, recommend or support work in which it has an additional financial interest under another contract (for example, to support testing or test design under AFSN where the contractor is also a subcontractor to the contractor whose installation is being tested).

b. Access To and Use of Government Information: If the contractor, in the performance of this order, obtains access to information such as plans, policies, reports, studies, financial plans, or data which has not been released or otherwise made available to the public, the contractor agrees that without prior written approval of the Contracting Officer, it shall not: (a) use such information for any private purpose unless the information has been released or otherwise made available to the public, (b) compete for work based on such information for a period of two (2) years after the completion of this contract, or until such information is released or otherwise made available to the public, whichever occurs first, (c) submit an unsolicited proposal to the Government which is based on such information until two (2) years after such information is released or otherwise made available to the public, or (d) release such information unless such information has previously been released or otherwise made available to the public by the Government. contractor agrees to obtain non-disclosure agreements from its personnel assigned to work on this order with these restrictions.

c. To refrain from unauthorized use or disclosure to any individual, corporation, or organization of information/data/software (referred to hereinafter as "data") proprietary to other companies coming into its possession in connection with the work under this contract for as long as it remains proprietary.

d. The contractor shall ensure that employees that obtain Government information during employment by the contractor or thereafter, shall not disclose any such Government information to which the employee had access in connection with the work under this contract.

e. To refrain from utilizing proprietary data or classified government information coming into its possession in connection with work under this contract for purposes other than those for which it has been furnished unless specifically authorized by the organization providing such proprietary data or Government information.

5.1.17 Unauthorized Disclosure: The contractor shall not publish or disclose in any manner, without the Contracting Officer's written consent, the details of any safeguards either designed or developed by the contractor under this contract or otherwise provided by the Government. To the extent required to carry out a program of inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of Government data, the contractor shall afford the Government access to the contractor's facilities, installations, technical capabilities, operations, documentation, records, and databases. If either the Government or the contractor discovers new or unanticipated threats or hazards, or if existing safeguards have ceased to function, the discoverer shall immediately bring the situation to the attention of the other party.

5.1.18 Quality Assurance: The contractor shall develop a Quality Control Plan in accordance with the government provided Performance Plan. The Performance Plan explains to the

contractor what the government expectations are and how (and how often) deliverables or services will be monitored and evaluated.

5.1.19 Reporting: The contractor shall monitor and report on contract expenditures, contractor travel and contractor personnel security clearances. The contractor shall provide Monthly Status Reports as identified in the deliverables section.

5.1.20 Information Technology Standards: Contractor should adhere to the basic information technology standards as shown below and is encouraged to do so by the government.

INFORMATION TECHNOLOGY STANDARDS		
Federal Information Processing Standards (FIPS)	http://www.itl.nist.gov/fipspubs/	Under the Information Technology Management Reform Act (Public Law 104-106), the Secretary of Commerce approves standards and guidelines that are developed by the National Institute of Standards and Technology (NIST) for Federal computer systems. These standards and guidelines are issued by NIST as Federal Information Processing Standards (FIPS) for use government-wide. NIST develops FIPS when there are compelling Federal government requirements such as for security and interoperability and there are no acceptable industry standards or solutions.
Info-structure Technology Reference Model (i-TRM)	https://cs.eis.af.mil/a6/itrm/default.aspx	i-TRM is the Air Force's authoritative source for Communications and Information (C&I) products, computer configurations, platform and service profiles, technical solutions, and standards (presented as standards profiles).
National Institute for Standards and Technology (NIST)	http://www.nist.gov/information-technology-portal.cfm	Advancing the state-of-the-art in IT in such applications as cyber security and biometrics, the National Institute of Standards and Technology accelerates the development and deployment of systems that are reliable, usable, interoperable, and secure; advances measurement science through innovations in mathematics, statistics, and computer science; and conducts research to develop the measurements and standards infrastructure for emerging information technologies and applications.
International Standards Organization (ISO)	http://www.iso.org/iso/home.html	ISO is the world's largest developer and publisher of International Standards. ISO is a network of the national standards institutes of 162 countries, one member per country, with a Central Secretariat in Geneva, Switzerland, that coordinates the system. ISO is a non-governmental organization that forms a bridge between the public and private sectors. On the one hand, many of its member institutes are part of the governmental structure of their countries, or are mandated by their government. On the other hand, other members have their roots uniquely in the private sector, having been set up by national partnerships of industry associations. Therefore, ISO enables a consensus to be reached on solutions that meet both the requirements of business and the broader needs of society.

ATTACHMENT 1 TO AFSN PWS
SECURITY REQUIREMENTS FOR CONTRACTORS REQUIRING
ACCESS TO UNCLASSIFIED INFORMATION

1. Contractor Notification Responsibilities: If the contractor does not possess a facility clearance the government will request one. The contractor shall notify the 42d Security Forces Squadron, Plans and Programs Flight, Information Protection (42 SFS/S5X/IP) before on-base performance of the service. The notification shall include:

- a. Name, address, and telephone number of company representatives.
- b. The contract number and contracting agency.
- c. The highest level of classified information which contractor employees require access to.
- d. The location(s) of service performance and future performance, if known.
- e. The date service performance begins.
- f. Any change to information previously provided under this paragraph.

2. Visit Request: Contractors participating in the National Industrial Security Program are authorized to use Joint Personnel Adjudication System (JPAS) in lieu of sending Visitor Authorization Letters (VALs) for classified visit to Department of Defense facilities and military installations. VALs are only required if the contractor isn't using JPAS or if contractor personnel whom access level and affiliation are not accurately reflected in JPAS. However, some agencies may still require VALs to be submitted for access to their facilities. AFLCMC Gunter SMO Code is MG1MFD3Q6 for visit requests to Gunter.

3. Obtaining and Retrieving Identification Media: As prescribed by the AFFAR 5352.242-9000 Contractor Access to Air Force Installations, AFFAR 5352.242-9001, Common Access Cards (CAC) for Contractor Personnel, and FAR 52.204-9, Personal Identity Verification of Contractor Personnel, the contractor must comply with the requirements set forth in these guidance. Contractors requesting a CAC for personnel on the contract will submit on company letterhead the names and all other personnel information as prescribed by the contracting officer to begin the identification processing effort. Contracting officers will follow installation specific guidance regarding the issuance and recovery of all identification media issued to the contractors by the government. Failure to return all government issued identification upon termination of contract or service, termination of employees, or expiration of the identification may result in withholding of final payment.

4. Pass and Identification Items: The contractor shall ensure the following pass and identification items as required for contract performance are obtained for employees:

4.1.1. DoD Common Access Card (AFI 36-3026).

4.1.2. Entry Procedures for AFLCMC Gunter Facilities: Contractor employees require an AFLCMC BES Gunter Access Badge for unescorted entry into AFLCMC BES Gunter facilities. To obtain an AFLCMC Gunter Access Badge contractor personnel must be in JPAS or have a VAL on file with AFLCMC Gunter Security Office. Contractors requiring an access badge will bring a completed AF Form 2586, Unescorted Entry Authorization Certificate to the AFLCMC Gunter Security Office Room 240 B, Bldg. 892. The AF Form 2586 must include in Section III the task order number, period of performance, facility number and be signed by the Contracting Officer Representative (COR) associated with the assigned contract. Contractor personnel are required to wear their company's identification badge and the AFLCMC Gunter badge *AT ALL TIMES* while in AFLCMC Gunter facilities. The access badges will be displayed on the outer garment between the shoulder and the waist. Every time a period of performance is executed this paperwork must be re-accomplished to reflect the new expiration date.

4.1.3. Failure to return all government issued identification upon termination of contract or service, termination of employees, or expiration of the identification may result in withholding of final payment.

5. Computer and Network Access Requirements: Contractor personnel that required access to unclassified government computers and operations systems (Automated Information Systems – AIS) will be designated as **AIS-III - Nonsensitive Positions**. Contractor personnel must submit a *National Agency Check with Inquiries (NACI)* and the NACI be favorability adjudicated before operating **government furnished** computer workstations or systems that have access to **Air Force** e-mail systems. These investigations shall be submitted by the government at no additional cost to the contractor. The contractor shall comply with the DoD 5200.2-R, *DoD Personnel Security Program*, AFI 31-501, *Personnel Security Program Management* and AFI 33-119, *Air Force Messaging*, requirements.

6. Freedom of Information Act Program (FOIA): The contractor shall comply with DoD Regulation 5400.7-R/Air Force Supplement, *DoD Freedom of Information Act Program*, requirements. The regulation sets policy and procedures for the disclosure of records to the public and for marking, handling, transmitting, and safeguarding *For Official Use Only (FOUO)* material. The contractor shall comply with AFI 33-332, *Air Force Privacy Act Program*, when collecting and maintaining information protected by the Privacy Act of 1974 authorized by Title 10, United States Code, section 8013. The contractor shall maintain records in accordance Air Force manual (AFMAN) 33-363, *Management of Records*; and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms/>.

7. Reporting Requirements: The contractor shall comply with AFI 71-101, Volume-1, *Criminal Investigations*, and Volume-2, *Protective Service Matters*, requirements. Contractor personnel shall report to 42d Air Base Wing Information Protection Office, and AFLCMC Gunter Security Office, any information or circumstances of which they are aware may pose a threat to the security of DoD personnel, contractor personnel, resources, and classified or unclassified defense information. Contractor employees shall be briefed by their immediate supervisor upon initial on-base assignment and as required thereafter.

8. Physical Security: All AFLCMC Gunter contractor employees shall comply with base operations plans/instructions for FPCON procedures, Random Antiterrorism Measures (RAMS) OPSEC and local search/identification requirements. The contractor shall safeguard all government property, including controlled forms, provided for contractor use. At the close of each work period, government equipment, facilities other valuable materials shall be secured.

9. Internal Operating Instructions: The contractor will adhere to the all Air Force activity Operating Instructions (OI) for internal circulation control, protection of resources and to regulate entry into Air Force controlled areas during normal, simulated and actual emergency operations to include local written OIs.

10. Government Authorization: The contractor shall ensure its employees do not allow government issued keys to be used by personnel other than current authorized contractor employees. Contractor employees shall not use keys to open work areas for personnel other than contractor employees engaged in performance of their duties, unless authorized by the government functional area chief.

11. Access Lock Combinations: All access lock combinations are “For Official Use Only” and will be protected from unauthorized personnel. The contractor will adhere to the Air Force activity operating instruction (OI) for ensuring lock combinations are not revealed to unauthorized persons and ensure the procedures are implemented. The contractor is not authorized to record lock combinations without written approval by the government functional director.

12. Traffic Laws: The contractor and their employees shall comply with base traffic regulations.

13. Cellular Phone Operation Policy: The use of cellular phones while operating a motorized vehicle is prohibited on Maxwell-Gunter. Although discouraged, drivers are authorized to use devices, i.e. ear bud or ear boom, which allows their cellular phone to be operated hands-free. The device must not cover both ears. This policy applies to everyone driving on Maxwell-Gunter AFB.

14. Security Education and Training: The contractor is required to participate in the government’s in-house and security training program under the terms of the contract. The government will provide the contractor with access to the on-line system.

15. Healthcare: Healthcare provided at the local military treatment facility on an emergency reimbursable basis only.

ATTACHMENT 2 TO AFSN PWS
SECURITY REQUIREMENTS FOR CONTRACTORS REQUIRING
ACCESS TO CLASSIFIED INFORMATION

1. Security Facility Clearance Requirements: The contract company must possess or obtain an appropriate facility security clearance as identified below prior to performing work on a classified government contract: **(SELECT ONE)**

(X) Top Secret

() Secret

If the contractor does not possess a facility clearance the government will request one. The contractor shall notify the 42d Security Forces Squadron, Plans and Programs Flight, Information Protection (42 SFS/S5X/IP) before on-base performance of the service. The notification shall include:

- a. Name, address, and telephone number of company representatives.
- b. The contract number and contracting agency.
- c. The highest level of classified information which contractor employees require access to.
- d. The location(s) of service performance and future performance, if known.
- e. The date service performance begins.
- f. Any change to information previously provided under this paragraph.

*** See Section 7.4 on how to complete this action***

2. Personnel Security Clearance Requirements: Some or all of the personnel performing work on this contract will require a security clearance as identified below.

(X) Top Secret (Minimum of 2 Technical Personnel)

(X) Secret

The contractor shall request security clearances for personnel requiring access to classified information within 15 business days after receiving a facility clearance or, if the contractor is already cleared, within 15 business days after service award. Due to costs involved with security investigations, contractor security clearances shall be kept to an absolute minimum necessary to perform service requirements.

3. Additional Investigation Requirements: Anyone working on the contract who do not require a security clearance must have at a minimum a favorably adjudicated National Agency Check with Written Inquiries (NACI) investigation to access a government furnished information system or environment. This investigation must be submitted by the contract company.

3.1. Security Manager Appointment: The contractor shall appoint a security manager for the on base long-term visitor group. The security manager may be a full-time position or an additional duty position. The security manager shall provide contractor employees with training required by DoDM 5200.01, volumes 1-4, *DoD Information Security Program*, AFPD 31-4, *Information Security*, and AFI 31-401, *Information Security Program Management*. The contractor security manager shall provide initial and follow-on training to contractor personnel who work in Air Force controlled or restricted areas. Air Force restricted and controlled areas are explained in AFI 31-101, *Air Force Integrated Defense Plan*.

3.2. Visit Request: Contractors participating in the National Industrial Security Program are authorized to use Joint Personnel Adjudication System (JPAS) in lieu of sending Visitor Authorization Letters (VALs) for classified visit to Department of Defense facilities and military installations. VALs are only required if the contractor isn't using JPAS or if contractor personnel whom access level and affiliation are not accurately reflected in JPAS. However, some agencies may still require VALs to be submitted for access to their facilities. Visit requests must be sent to servicing government's security management office (SMO) code. The SMO code for AFLCMC Des is MG1MFD3Q6. Each installation performing work on the contract will require a separate SMO Code visit request from the contractor. The visit request must include all prime and subcontract workers on the contract.

3.4. Obtaining and Retrieving Identification Media: As prescribed by the AFFAR 5352.242-9000 Contractor Access to Air Force Installations, AFFAR 5352.242-9001, Common Access Cards (CAC) for Contractor Personnel, and FAR 52.204-9, Personal Identity Verification of Contractor Personnel, the contractor must comply with the requirements set forth in these guidance. Contractors requesting a CAC for personnel on the contract will submit on company letterhead the names and all other personnel information as prescribed by the contracting officer to begin the identification processing effort. Contracting officers will follow installation specific guidance regarding the issuance and recovery of all identification media issued to the contractors by the government. Failure to return all government issued identification upon termination of contract or service, termination of employees, or expiration of the identification may result in withholding of final payment.

3.5 Pass and Identification Items: The contractor shall ensure the following pass and identification items as required for contract performance are obtained for employees:

3.6. DoD Common Access Card (AFI 36-3026).

3.7. Entry Procedures for AFLCMC Gunter Facilities: Contractor employees require an AFLCMC BES Gunter Access Badge for unescorted entry into AFLCMC BES Gunter facilities. To obtain an AFLCMC Gunter Access Badge contractor personnel must be in JPAS or have a VAL on file with AFLCMC Gunter Security Office. Contractors requiring an access badge will

bring a completed AF Form 2586, Unescorted Entry Authorization Certificate to the AFLCMC Gunter Security Office Room 240 B, Bldg. 892. The AF Form 2586 must include in Section III the task order number, period of performance, facility number and be signed by the Contracting Officer Representative (COR) associated with the assigned contract. Contractor personnel are required to wear their company's identification badge and the AFLCMC Gunter badge AT ALL TIMES while in AFLCMC Gunter facilities. The access badges will be displayed on the outer garment between the shoulder and the waist. Every time a period of performance is executed this paperwork must be re-accomplished to reflect the new expiration date.

3.8. Failure to return all government issued identification upon termination of contract or service, termination of employees, or expiration of the identification may result in withholding of final payment.

4. Visitor Group Security Agreement (VGSA): The contractor shall enter into a long-term visitor group security agreement for contract performance on base. This agreement shall outline how the contractor integrates security requirements for contract operations with the Air Force to ensure effective and economical operation on the installation. The agreement shall include:

a. Security support provided by the Air Force to the contractor shall include storage containers for classified information/material, use of base destruction facilities, classified reproduction facilities, use of base classified mail services, security badging, base visitor control, investigation of security incidents, base traffic regulations and the use of security forms and conducting inspections required by DoD 5220.22-R, *Industrial Security Regulation*, Air Force Policy Directive 31-6, *Industrial Security*, Air Force Instruction 31-601, *Industrial Security Program Management*, DoDM 5200.01, volumes 1-4, *DoD Information Security Program*, and AFI 31-401, *Information Security Program Management*.

b. Security support requiring joint Air Force and contractor coordination includes packaging classified information, mailing and receiving classified materials, implementing emergency procedures for protection of classified information, security checks and internal security controls for protection of classified material and high-value pilferable property.

c. On base, the long-term visitor group security agreement may take the place of a *Standard Practice Procedure* (SPP).

5. Information Security: The contractors performing duties associated with contract must adhere to all the standards for protecting classified information as specified in DoDM 5200.01, volumes 1-4, *DoD Information Security Program*, Air Force Instruction 31-401, *Information Security Program Management* and all applicable supplements and operating instructions.

6. Unescorted Entry to Secure Rooms: Contractor personnel requiring unescorted entry to secure rooms designated by the installation commander shall comply with base access requirements and these additional security instructions; DoD 5200.2-R, DoD Personnel Security Program AFI 31-101, Air Force Integrated Defense Plan, and AFI 31-501, Personnel Security Program Management, as applicable. Contractor personnel shall be the subject of a favorably

adjudicated National Agency Check with Local Agency Check (NACLC) investigation to qualify for unescorted entry to a secure room. Contractor personnel must contact their Contracting Officer Representative and the appropriate secure room monitor for permission. AFLCMC Gunter Security Office, Bldg. 892, Room 240 B/C can assist and provide technical guidance as necessary.

7. Computer and Network Access Requirements: Contractor personnel working on this contract must be designated in one of the below AIS positions and complete the required security investigation to obtain the required security clearance. This must be accomplished before operating **government furnished** computer workstations or systems that have access to **Air Force** e-mail systems or computer systems that access classified information. The contractor shall comply with the DoD 5200.2-R, *Personnel Security Program* and AFI 33-119, *Air Force Messaging*, requirements. **(Please check one):**

() **AIS-I Position - Critical-Sensitive Positions. Security Clearance: TOP SECRET or SECRET** clearance based on SSBI background investigation. Responsible for the planning, direction, and implementation of a computer security program; major responsibility for the direction, planning and design of a computer system, including the hardware and software; or, can access a system during the operation or maintenance in such a way, and with a relatively high risk for causing grave damage, or realize a significant personal gain.

(**X**) **AIS-II Position - Noncritical-Sensitive Positions. Security Clearance: SECRET** based on a NACLC/ANACI background investigation. Responsibility for systems design, operation, testing, maintenance, and/or monitoring that is carried out under technical review of higher authority in the AIS-I category, includes, but is not limited to; access to and/or processing of proprietary data, information requiring protection under the Privacy Act of 18 1974, and Government-developed privileged information involving the award of contracts.

() **AIS-III Position - Nonsensitive Positions.** No security clearance required but is a **Trusted Position** based on a favorable NACI background investigation. All other positions involved in U.S. Government computer activities.

8. Reporting Requirements: The contractor shall comply with AFI 71-101, Volume-1, *Criminal Investigations*, and Volume-2 *Protective Service Matters*, requirements. Contractor personnel shall report to an appropriate authority any information or circumstances of which they are aware may pose a threat to the security of DoD personnel, contractor personnel, resources, and classified or unclassified defense information. Contractor employees shall be briefed by their immediate supervisor upon initial on-base assignment and as required thereafter.

9. Physical Security: Contractor employees shall comply with base Operations Plans/instructions for FPCON procedures, Random Antiterrorism Measures (RAMS) and Operation Security (OPSEC), Emergency Management (EM) and local search/identification requirements. The contractor shall safeguard all government property including controlled forms provided for contractor use. At the close of each work period, government training equipment, facilities, support equipment, and other valuable materials shall be secured.

10. Wireless Electronic Devices: No cell phones, camera cell phones, cordless telephones, or wireless microphones, keyboards, or mice, wireless or Infrared Local Area Networks (LANs), or devices are allowed in areas where classified information is discussed, briefed, or processed. “*Area*” refers to a room and/or to a space the size of a 3-meter radius sphere, centering on the classified source. In areas where classified information is discussed, briefed, or processed, wireless pointer/ mice devices are allowed for presentations only. This is an acceptable EMSEC risk. All other Personal Electronic Devices, PEDs. All other wireless PEDs not specifically addressed above, that are used for storing, and processing, and/or transmitting information shall not be operated in areas where classified information is electronically stored, processed, or transmitted.

11. Operating Instructions: The contractor will adhere to the all Air Force activity Operating Instructions (OI) for internal circulation control, protection of resources and to regulate entry into Air Force controlled areas during normal, simulated and actual emergency operations to include local written OIs.

12. Government Authorization: The contractor shall ensure its employees do not allow government issued keys to be used by personnel other than current authorized contractor employees. Contractor employees shall not use keys to open work areas for personnel other than contractor employees engaged in performance of duties, unless authorized by the government functional director.

13. Access Lock Combinations: Access lock combinations are “*For Official Use Only*” and will be protected from disclosure to unauthorized personnel. The contractor will adhere to the Air Force activity operating instructions ensuring lock combinations are not revealed to un-cleared /unauthorized persons and ensure the safeguard procedures are implemented. The contractor is not authorized to record lock combinations without written approval by the government functional director.

14. Security Combinations: Combinations to security containers, secure rooms, or vaults are controlled unclassified information and must be properly safeguarded. Only contractor employees, who have the proper security clearance and the need-to-know, will be given combinations to security containers, secure rooms, or vaults. Contractor employees are responsible for properly safeguarding combinations. Contractor employees will not record security containers, secure rooms, or vaults combinations without written approval by the government functional director. Contractors will not change combinations to security containers, secure rooms, or vaults without written approval by the security officer and the government functional director.

15. Security Alarm Access Codes: Security alarm access codes are “*For Official Use Only*” and will be protected from unauthorized personnel. Security alarm access codes will be given contractors employees who required entry into areas with security alarms. Contractor employees will adhere to the Air Force activity operating instructions and will properly safeguard alarm access codes to prevent unauthorized disclosure. Contractor will not record alarm access codes without written approval by the government functional director.

16. Freedom of Information Act Program (FOIA): The contractor shall comply with DoD Regulation 5400.7-R/Air Force Supplement, *DoD Freedom of Information Act Program*, requirements. The regulation sets policy and procedures for the disclosure of records to the public and for marking, handling, transmitting, and safeguarding for *Official Use Only (FOUO)* material. The contractor shall comply with AFI 33-332, *Air Force Privacy Act Program*, when collecting and maintaining information protected by the Privacy Act of 1974 authorized by Title 10, United States Code, Section 8013. The contractor shall maintain records in accordance Air Force manual (AFMAN) 33-363, Management of Records; and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms/>.

17. Traffic Laws: The contractor and their employees shall comply with all installation traffic regulations.

18. Cellular Phone Operation Policy: The use of cellular phones while operating a motorized vehicle is prohibited on Maxwell-Gunter. Although discouraged, drivers are authorized to use devices, i.e. ear bud or ear boom, which allows their cellular phone to be operated hands-free. The device must not cover both ears. This policy applies to everyone driving on Maxwell-Gunter AFB.

19. Security Education and Training: The contractor will be required to participate in the government's in-house and web-based security training program under the terms of the contract. The government will provide the contractor with access to the on-line system. Contractor will register in USAF, Automated Distant Learning System (ADLS) for AFMC Gunter and complete all required security training.

10. Operation Security (OPSEC). The contractor will comply with installation and organizational OPSEC requirements in accordance with AFI 10-701 and applicable supplements. Contractor employees will be required to take the Operation OPSEC Awareness computer based training on ADLS. They will also receive a local threat briefing.

ATTACHMENT 3 TO AFSN PWS
Procedure to Designate a US Contract/Invited Contractor under the US-ROK SOFA:

Designation as a US Invited Contractor or Technical Representative under the ROK-US SOFA (“SOFA status”) is a legal requirement for US contractors to perform in support of the US Armed Forces in the ROK. In Korea SOFA Designation is a 2 STEP process. SOFA designation is a unilateral right of USFK. Contracting officers should not make SOFA status a condition of the contract without first coordinating with this office (USFK/FKAQ). Coordinate contract performance in the ROK with this office before performance begins in the ROK. We encourage processing designations during the solicitation stage. Additionally, contracting officers and requiring activities should consider requirements for performance during contingency or war and include the appropriate contract clauses and PWS language.

The US-ROK SOFA is an international agreement as defined in FAR 25.8. The SOFA document may be accessed on-line at: <http://www.usfk.mil/org/FKDC-SA/Contents/links.htm> or http://www.shaps.hawaii.edu/security/us/sofa1966_1991.html

USFK Regulation 700-19 implements the US-ROK SOFA and may be accessed on-line at: http://www-hr.korea.army.mil/Programs_Policy/Publication_Records_Reg_USFK.asp

Also, current as of Sept 2011, SOFA designation requests may be made via email (**STEP 1**) to Ms. A Chong, Yim at <mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil> or DSN 315-724-6162, and (**STEP 2**) to Mr. Cecconi, David T. at <mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil> or DSN 315-724-6211.

This contact information is subject to change.

STEP 1. The contracting officer submits a request for SOFA designation (see attachment for format) to USFK/FKAQ on the contract. The contracting officer should review Article XV of the SOFA Agreement and USFK regulation 700-19 for unique requirements for contract performance in the ROK.

Before non-Korean contracts can receive SOFA designation (and be legally permitted to perform in the ROK) at least one of four criteria must be met:

- (1) Limitation of US law (rarely used)
- (2) Security considerations
- (3) Technical qualifications *
- (4) Unavailability of materials or services in the ROK*

If citing exception (3) or (4), the contracting officer must insert in the "justification section" of the SOFA request memo the statement below verifying no Korean firm can perform the work.

(3) When using technical qualification as the justification exception in the SOFA request memo, use this verbiage: "Market research was conducted and no one in Korea is technically qualified to perform this requirement."

(4) When using unavailability of service as the justification exception in the SOFA request memo, use this verbiage: "Market research was conducted and no one in Korea is able to perform this requirement."

*** If you are citing (3) or (4) and the verbiage above is not stated, your contract SOFA request may not be approved.**



"Request SOFA
Designation.doc"

Along with the designation request, submit a copy of the applicable statement of work (SOW) or performance work statement (PWS), copy of base contract and/or modification by the contracting officer of base contract if period of performance has extended (if available).

In addition, ensure a SOFA clause is incorporated into the contract or solicitation (if pre-award) and that proof (contract/solicitation/modification) of such clause is submitted with the designation request. Without a SOFA clause in the solicitation and/or contract, FKAQ will not process the request. A sample of the SOFA clause is attached below.



USFK SOFA Clause

*** NOTE: (For Army service contracts supporting Eighth US Army)** All Army service contracts must contain ***Contractor Manpower Reporting*** language as mandated by the Secretary of the Army and clarified in ASA(ALT) letter dated 04 Mar 05. As part of the SOFA designation request memorandum, contracting officers must verify subject contracts contain such language.

For contracts contain a wartime or contingency requirement in the Korean Theater of Operation, ensure the wartime clause (found in USFK Regulation 700-19) is included in the contract and that proof (contract/solicitation/modification) of such clause is submitted with the designation request. The contract will be designated Non-wartime critical if the wartime clause is not provided. A sample of the wartime clause is attached below.



USFK Wartime
Clause

NOTE: (Please refer to the attachment above) If the contract is not yet awarded, for paragraph 3.c. – Provide the **SOLICITATION NUMBER** and for paragraph 3.e. – Write **“Unknown until contract is awarded”**.

After the contract is awarded, the contracting officer **must** submit a **“Post Award Coordination”** to complete the designation.



Sample Post-Award
Coordination Letter

USFK/FKAQ will process the contract designation through coordination with the ROK government. STEP 1 POC is Ms. Yim at <mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil> or DSN 315-724-6162.

STEP 2. Upon initiating the Designation Request, the USFK Sponsoring Agency (typically also the requiring activity) will appoint a Responsible Officer (RO) who will perform the duties set out in USFK Reg 700-19.



Sample RO
Appointment Letter

The RO will be responsible for preparing the following package for FKAQ processing:

a. USFK Form 700-19A-R-E (Complete Part I and II of this form). **REQUIRED FOR INITIAL AND CHANGE IN DATA (RENEWAL) DESIGNATIONS. Use and fill in WORD or PDF format not both.**



USFK Form
700-19A-R-E



USFK Form
700-19A-R-E

b. Letter of Accreditation signed by the head of the requiring activity. List one (1) IC and dependents. Each IC must be on separate Accreditation letter. **REQUIRED FOR INITIAL AND RENEWAL DESIGNATIONS**



Accreditation
letter.doc

c. Provost Marshall Office (PMO) Check (Note: PMO check must be completed and stamped/signed by the PMO office prior to submitting to USFK/FKAQ).



"USFK Form 237-E
Request for Provost I

d. Ration Control Check (Note: RCP check must be completed and stamped/signed by the RCP office prior to submitting to USFK/FKAQ).



e. Most recent stamped 700-19 must be submitted for SOFA renewal designation request.
REQUIRED ONLY FOR RENEWAL DESIGNATIONS.

f. USFK Theater Specific Training must be completed and submitted. **REQUIRED FOR INITIAL DESIGNATIONS.**

<http://www.usfk.mil/usfk/content.theater.required.training.52>

g. Face page and All stamped pages of the passport must be submitted. Do not submit blank pages only the stamped pages. **REQUIRED FOR INITIAL DESIGNATIONS.**

Each TO/DO or Exercise of Option Year modifications must be submitted with the 700-19's SOFA request package. SOFA designation on individual contractor is based on each funded contract based on each TO/DO or Exercise of Option Year modifications.

Additional documents maybe required to meet the SOFA requirements as outlined in the USFK Regulation 700-19 and Article XV of the SOFA Agreement such as meeting ordinarily residence in the U.S. requirement.

USFK/FKAQ will review the packet and complete Part III of USFK Form 700-19A-R-E - this process may take up to 10 days. STEP 2 POC is Mr. Cecconi, David T. at usarmy.vongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil or DSN 315-724-6211.

ATTACHMENT 3 TO AFSN PWS

Headquarters United States Forces Korea
United States Forces Korea Regulation 700-19
Unit #15237
APO AP 96205-5237
28 August 2012
Procurement

THE INVITED CONTRACTOR AND TECHNICAL REPRESENTATIVE PROGRAM

***This regulation supersedes USFK Regulation 700-19, dated 4 June 2007.**

FOR THE COMMANDING GENERAL:

BRIAN T. BISHOP

Major General, USAF

Deputy Chief of Staff

OFFICIAL:

GARRIE BARNES

Chief, Publications and

Records Management

Summary. This regulation establishes policies and procedures for the designation of corporations and individuals as Invited contractors (ICs) and Technical Representatives (TRs) who work in support of the United States (U.S.) Armed Forces or other armed forces in the Republic of Korea (ROK) under the Unified Command receiving logistics support from the U.S. armed forces under the U.S.-ROK Status of Forces Agreement (SOFA) and applicable U.S. regulations. ICs and TRs will be managed in accordance with (IAW) the SOFA and applicable U.S. regulations.

Summary of Change.

o Defined —ordinarily residence of U.S. I more clearly and identified documents that could be used to support the SOFA requirement of being —ordinarily residence of U.S. I in chapter 2-2 e(2)(a), page 8, Definition of Ordinarily Resident of U.S., page 66 and Definition of Supporting Documentation, page 67.

o Added new requirement: Responsible Officer's (RO's) must be appointed as Trusted Agents for the Contractor Verification System, when practical in chapter 3-4 j on page 23.

o Added new requirement: contract SOFA designation can be for multiple years however, IC SOFA designation is based on each funded contract. Contract SOFA designation must cover the period of IC contract performance in the ROK in chapter 2-5c on page 11.

o Added new requirement: PMO and Ration Control checks shall encompass all visits to the ROK on page 13, chapter 2-5 e(3)(c).

o Deleted the thirty day SOFA extension which allowed contractors SOFA coverage beyond the expiration date of the contract's period of performance.

o Added new requirement: RO's are required to have RO training within 90 days of appointment. Added link to USFK/FKAQ website for Invited Contractor Program/RO Training in chapter 3-3 a(1) on page 17.

o Added new requirement: RO's must submit an Applicant Questionnaire on the IC when submitting for SOFA designation on page 8, chapter 2-2 e(2)(a).

o Added clarification to the type of contract documents required for extending contract SOFA designation beyond original designation period on page 11, chapter 2-5 c.

o Other changes have been made in the last couple of years but the track changes have been accepted as the changes were made.

o Added clarification to TR designation in chapter 1-4d on page 6.

o Added IC/TR must immediately notify RO in incidents involving injury or death of a ROK LN. Also, added RO must immediately notify appropriate USFK agency such as SJA, PMO, FKAQ, etc when IC/TR notifies them about incidents involving injury or death of a ROK LN in chapter 2-5 e(2) on page 12, in chapter 3-4 a(2)(g) on page 19, and page 24 chapter 3-5j.

o Added ICP/RO training slide location in chapter 3-4 a(2)(d) on page 19.

Applicability.

a. This regulation applies to--

(1) All contracting offices that solicit, award, or administer contracts involving work to be performed in the ROK by U.S. contractors or third country nationals for the support of the U.S. Armed Forces.

(2) Contractor's Sponsoring Agencies (SA) and Responsible Officers (RO).

(3) Contractors, their employees and dependents (including those in a TDY/TAD status) that meet IC or TR criteria IAW the U.S.-ROK SOFA and this regulation.

b. This regulation does not apply to Defense Security Assistance Agency, Department of State, Foreign Military Sales (FMS) contractors, or their SAs. These contractors are not in the ROK solely for the benefit of the U.S. Armed Forces. Therefore, they are--

DRAFT

(1) Not normally eligible for status under the U.S.-ROK SOFA.

(2) Not normally eligible to be United States Forces Korea (USFK) ICs or TRs.

c. This regulation is applicable during all phases of contract operations.

Supplementation. Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited unless prior approval is obtained from HQ USFK, Assistant Chief of Staff, Acquisition Management (FKAQ), Unit #15289, APO AP 96205-5237.

Internal Control Provisions. This regulation does not contain management control checklists.

Forms. USFK forms are available at <http://www.usfk.mil/USFK/default.aspx>

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is HQ, USFK Assistant Chief of Staff (ACS), Acquisition Management (FKAQ). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the HQ, USFK (FKAQ), Unit #15289, APO AP 96205-5237.

Distribution. Electronic Media Only (EMO).

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Chapter 1

Introduction

1-1. Purpose

This regulation establishes policies and procedures for the designation of corporations and individuals as Invited Contractors (ICs) and Technical Representatives (TRs) who work in support of the United States (U.S.) Armed Forces or other armed forces in the Republic of Korea (ROK) under the Unified Command receiving logistics support from the U.S. Armed Forces under the U.S.-ROK Status of Forces Agreement (SOFA) and applicable U.S. regulations. ICs and TRs will be managed in accordance with (IAW) the SOFA and applicable U.S. regulations. This regulation applies in armistice, contingency and war.

1-2. References

Required and related publications are listed in appendix A.

1-3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Overview

a. The U.S. – ROK SOFA Article XV, ICs, defines an IC as —a person(s), including (a) corporations organized under the laws of the United States, (b) their employees who are ordinarily resident in the U.S., and (c) the dependents of the foregoing, present in the ROK solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. Armed Forces or other armed forces in the ROK.¶

b. In order for a U.S. contractor (defined as a corporation organized under the laws of the United States) to legally perform contracts for the U.S. Armed Forces in Korea, it must either obtain formal approval from the U.S. Representative to the U.S.-Republic of Korea (U.S.-ROK) Joint Committee under the U.S.-ROK SOFA as set out in this regulation (i.e., designation as an IC or TR), or obtain requisite business licenses directly from the ROK government and conduct business IAW all applicable ROK laws, including rules and policies regarding labor and taxation. Any non-Korean business entity that performs under U.S. contract for the benefit of the U.S. Armed Forces or other armed forces in the ROK and fails to obtain IC/TR designation or applicable ROK government business licenses is in violation of the U.S.-ROK SOFA and Korean Law.

Note: Only IC/TR designated contractors can qualify for USFK logistics support.

c. The U.S. Representative to the SOFA Joint Committee designates ICs and TRs IAW the provisions of SOFA Articles XV and I, respectively. IC designations shall be made upon consultation with the ROK Government and both IC designations and TR determinations shall be restricted to cases where performance by a Korean firm is not practical due to:

- (1) Security considerations,
- (2) The technical qualifications of the contractor involved,
- (3) The unavailability of materials or services required by U.S. standards, or
- (4) Limitations of U.S. law. 2 USFK REG 700-19, 28 August 2012

d. The U.S. Representative to the SOFA Joint Committee determines TR status IAW the provisions of the Commerce Subcommittee recommendation concerning TRs approved by the Joint Committee, at the 14th SOFA Joint Committee meeting on September 14, 1967, and as amended at 171st Joint Committee meeting on June 26, 1992, and further amended at the 180th Joint Committee on April 2, 2001. Once someone has been determined to be a TR, that individual qualifies as a member of the civilian component under the SOFA.

1-5. Policy

a. The U.S. Government (including USFK) has the obligation to comply with the provisions of the U.S.-ROK SOFA, an international agreement as described in the Federal Acquisition Regulation (FAR), Part 25.8 (Other International Agreements and Coordination), including provisions regarding use of contractors in support of U.S. Armed Forces in Korea. Department of Defense FAR (DFAR), Part 225.74 (Defense Contractors Outside the United States). Specifically, DFAR 225.7401 and PGI 225.7401 (Contracts Requiring Performance or Delivery in a Foreign Country). Accordingly, the U.S. and USFK may provide SOFA status and support only to contractors meeting the IC or TR status criteria IAW the U.S.-ROK SOFA and this regulation.

b. USFK policy mandates the use of local contractors in the ROK whenever possible for procurement. U.S. Government Contracting Officers shall request approval to use U.S. contractors when at least one of the four conditions listed in paragraph 1-4c is met. In the event no Korean or U.S. contractors are available, ROK consent may be sought to use a Third-Country National (TCN) contractor IAW the U.S.-ROK SOFA and this regulation.

c. Contracts that include a requirement for performance in the ROK shall include a specific clause that addresses requirements and obligations of the U.S.-ROK SOFA (—SOFA clause). Contracts that include a requirement for performance in other than peacetime or armistice (e.g., contingency, wartime, etc.) shall contain appropriate clauses and/or Statement of Work (SOW) requirements consistent with Department of Defense (DOD) and USFK policy. Failure to include appropriate contract requirements is a basis for denying SOFA status. Sample SOFA and contingency clauses are provided in appendix B. While these sample clauses are not prescriptive, substantially similar clauses must be incorporated into contracts before SOFA designation will be granted. Additional information on contingency contract requirements may be found in the publications listed in appendix A.

d. The Assistant Chief of Staff (ACoS), Acquisition Management, USFK (FKAQ) is charged with the management and oversight of the IC and TR program.

1-6. Invited Contractor (IC)/Technical Representative (TR) Designation Order of Precedence

a. The following hierarchy of source documents governs the requirements for the designation of ICs/TRs for SOFA status:

- (1) First: The U.S.-ROK SOFA.
- (2) Second: U.S. Law/Federal Acquisition Regulation.
- (3) Third: DOD and USFK Regulations.

b. Any conflict between this or any other U.S. regulation and a contract's terms and conditions will be resolved by reference to the pertinent source documents in the order listed in Chapter 1, paragraph 1-6a, above. 3 USFK REG 700-19, 28 August 2012

Chapter 2

Invited Contractors (ICs), Technical Representatives (TRs) and The U.S. – ROK Status of Forces Agreement (SOFA)

2-1. General

U.S. contractors selected to execute contracts in support of the U.S. Armed Forces in Korea shall only enter Korea to perform contractual obligations IAW the terms and conditions of their respective contract(s). The requirement to include SOFA and (if warranted) contingency clauses cannot be over-emphasized. The USFK ACoS, Acquisition Management (FKAQ), as the U.S. Chairman of the Commerce Subcommittee under the U.S.-ROK SOFA Joint Committee, is charged with the management and oversight of the overall IC and TR program for the U.S. Representative to the SOFA Joint Committee. Additionally, FKAQ is delegated authority to designate, suspend and revoke individual employees and their dependents status as ICs and TRs.

2-2. Invited Contractor Designation

a. Designation of the specific contract(s) to be performed in Korea is the first step in the SOFA designation process for ICs. Contracting Officers initiate the designation process by submitting a request to FKAQ IAW Appendix D, Figure (Fig) D-1. Designation will only take place following a consultation with the ROK and the resolution of any issues arising from that consultation.

b. Once the contract is designated, the IC, in coordination with the USFK Sponsoring Agency (SA), will obtain individual SOFA status for all contract employees and dependents supporting contract performance in the ROK.

c. SOFA designation affords the IC and its employees certain legal benefits under the U.S.-ROK SOFA. SOFA status is a precondition for USFK logistics support for the contractor and its employees and their dependents and is subject to availability/space available. Granting logistics support to ICs is a unilateral right of USFK and not a contractual benefit. A contract or subcontract shall not require logistics support privileges to be extended to IC as a condition for performance in Korea.

d. U.S. contractors may be designated as ICs under Article XV of the SOFA only if--

(1) The Contracting Officer justifies in writing to FKAQ that ROK contractors cannot satisfy the requirement due to one of the conditions listed in Chapter 1, paragraph 1-4c.

(2) The contractor is organized under the laws of the U.S.

(3) The contractor is in Korea solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. Armed Forces.

(4) The contractor is not engaged in any business or activity in the ROK other than pertaining to the U.S. Armed Forces or other armed forces in the ROK under the Unified Command receiving logistics support from the U.S. Armed Forces.

e. The employees may be designated as ICs if--

(1) Their company and contract has been properly designated IAW the U.S.-ROK SOFA;

(2) They are ordinarily resident in the U.S.: FKAQ will determine ordinary resident status. 4

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(a) The determination of where an individual is ordinarily resident is made by consideration of a number of factors. In order to make that determination, each employee requesting designation as an IC shall submit with their 700-19 a completed copy of the Applicant Questionnaire (Appendix D, Figure D-12). Figure D-12 requires each applicant to provide certain support documents to include passport pages, home mortgage/apartment lease documents, property tax documents, various household bills, and bank statements. FKAQ may also request any additional information, such as tax returns, credit card statements, or any other documentation FKAQ deems necessary to determine eligibility for IC status. With the exception of the passport, the requested documents must show at a minimum name, address, date, and usage.

(b) See glossary for the definition of the term —ordinarily resident in the United States

(c) Failure to provide requested information, providing incomplete information, or providing inaccurate information is a basis to deny an employee IC status.

(3) They are present in the ROK solely to perform under the terms and conditions of their SOFA designated contract and are not engaged in other business in Korea.

f. For contractors, SOFA status shall be automatically withdrawn upon completion or termination of the contract/employment. Furthermore, SOFA status will be withdrawn if companies or their employees and/or dependents engage in any other business activities not pertaining to USFK, engage in illegal practices, or violate USFK policy.

g. SOFA status and logistics support shall not be provided to salespersons, marketing representatives, consultants, and others not directly performing work to satisfy a contract requirement in support of U.S. Armed Forces in Korea.

2-3. Technical Representative Designation

a. TR status is very limited under the definitions agreed to by the U.S.-ROK SOFA Joint Committee. The Contracting Officer or SA will consult with FKAQ prior to requesting this determination. The U.S. Representative to the SOFA Joint Committee determines the eligibility of TRs to be designated as members of the civilian component under **Article I** of the SOFA. Contracting Officers or the SA commander/chief initiates the process by submitting a request to FKAQ IAW Appendix D, figure D-1.

b. SOFA designation as a member of the civilian component affords the TR certain legal benefits under the U.S.-ROK SOFA, which is more expansive than those for ICs. SOFA status is a precondition for USFK logistics support for TRs and their dependents. Granting logistics support to TRs is a unilateral right of USFK. A contract shall not require logistics support privileges to be extended to TR as a condition for performance in Korea.

c. If the US Government does not have privity of contract with potential TR designated personnel, before the TR designation can be extended, the subject personnel must execute a memorandum of agreement to abide by the terms of the ROK-US SOFA.

2-4. SOFA Benefits for ICs and TRs

SOFA —status refers to those categories of companies and personnel covered by the provisions of the U.S.-ROK SOFA. SOFA status provides certain legal benefits for designated personnel and also establishes an obligation for them to comply with the terms of the SOFA. SOFA benefits comprise the following: 5 USFK REG 700-19, 28 August 2012

- a. Entry into the ROK IAW the provisions of SOFA Article VIII.
- b. Access and movement, as provided for in SOFA Article X, paragraph 2.
- c. Exemption from customs duties and other such charges provided for in SOFA Article IX, paragraph 3, for members of the U.S. Armed Forces, the civilian component, and their dependents.
- d. The use of U.S. military postal facilities provided for in SOFA Article XX.
- e. The use of utilities and services IAW those priorities, conditions, rates or tariffs accorded the U.S. Armed Forces by SOFA Article VI.
- f. Exemption from the laws and regulations of the ROK with respect to terms and conditions of employment, and licensing and registration of businesses and corporations. However, U.S. contractors directly hiring Korean national employees must comply with USFK Regulation (Reg) 690-1 and other applicable USFK regulations concerning the employment of local nationals.
- g. Exemption from ROK taxation on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under the SOFA, of movable property, tangible or intangible, the presence of which in the ROK is due solely to the temporary presence of these persons in the ROK, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in the ROK or to any intangible property registered in the ROK.
- h. Exemption from ROK income and corporate taxes on any income derived under a contract with the U.S. for the benefit of USFK in connection with the construction, maintenance or operation of any of the facilities or areas covered by the SOFA.
- i. The protections of SOFA Article XXII, Criminal Jurisdiction, paragraphs 5, 7(b), and 9, and the related Agreed Minutes and Understandings on Implementation, although the authorities of the ROK have the right to exercise jurisdiction over U.S. contractors, their employees and their dependents for offenses committed in the ROK and punishable by ROK law.

2-5. Processing Requests for SOFA IC Designation

- a. ROK SOFA designation is a 2 STEP process in USFK. STEP 1 is to obtain SOFA designation on the contract. STEP 2 is to obtain SOFA designation on the IC working on the contract. Both STEPs can be processed simultaneously; however, STEP 2 cannot be completed until all documents for STEP 1 has been submitted. Failure to provide requested information, providing incomplete information, or providing inaccurate information is a basis to deny SOFA designation on contract and/or IC/TR.
- b. STEP 1 - SOFA designation on the contract.
 - (1) The contracting office and SA shall coordinate solicitation requirements prior to initiating a request for SOFA designation. The Contracting Officer and the SA shall evaluate all requirements for U.S. Armed Forces in Korea for performance by local firms before soliciting contractors in the U.S. The Contracting Officer will sign a written memorandum citing the applicable condition(s) of SOFA Article XV (see Chapter 1, paragraph 1-4c of this regulation) that prevents the use of local firms. Include this memorandum in the request package (see Appendix D, Fig D-1) to FKAQ for SOFA designation for the contract not later than 45 days prior to the date work is scheduled to commence in the ROK. If citing technical qualifications or unavailability of materials or services in the ROK as exceptions, the contracting officer must insert in the 6 USFK REG 700-19, 28 August 2012

"Justification section" of the SOFA request memo verifying no Korean firm can perform the work. With the designation request memorandum (Fig D-1), include a copy of the signature page of the applicable contract/modification that incorporates the —SOFA clause (and contingency clause, if required), Delivery Date/Period of Performance page, and a copy of the Statement of Work (SOW)/Performance Work Statement (PWS) to FKAQ. FKAQ will determine if the request meets the conditions of SOFA Article XV and USFK policy before processing the request IAW the U.S.-ROK SOFA and established Joint Committee procedures for consultation and designation. **Failure to provide all requested information will delay processing.**

(2) If a request for SOFA designation is submitted in the contract pre-award stage, the Contracting Officer shall sign and forward a Post-Award Coordination Memorandum to FKAQ upon contract award. SOFA designation cannot be completed until notification of the contract award is received by FKAQ. (See Appendix D, Fig D-2).

(3) Each U.S. contract shall have a separate SOFA designation. Any action that results in a new basic contract number or change in company name (e.g. novation) shall be designated separately. Contract actions (modifications), delivery/task orders, do not require separate contract SOFA designation if their period of performance was covered by the original SOFA contract designation period.

c. STEP 2 - SOFA designation on the IC. Invited Contractors will only receive SOFA designation for the funded period of performance in the ROK. SOFA designation of IC/TR terminates when contract funded period of performance ends or IC/TR separates from contract due to termination, retirement, relocation or any other form of disassociation with the SOFA designated contract. The contract maybe SOFA designated (STEP 1) for multiple years; however, IC's can only be SOFA designated for the funded period. IC's operating under CRA may obtain SOFA designation for the base/option period of that fiscal year. Contracting Officers must submit copies of modifications that exercise and fund option periods to FKAQ once they are approved and signed. The following documents are acceptable to prove contract being funded: 1. Signed and released contract by the contracting officer (includes exercise of option year with subject to availability of funds clause added). 2. Notice-to-Proceed from the contracting officer. 3. Fully funded Purchase Request (PR&C) identifying the accounting line and the requirement plus the DRAFT contract. For #3, a blank or unapproved PR&C will not be accepted. Multi-year contracts may receive multi-year SOFA designation. However, evidence of multi-year funding must be included in the SOFA designation request. Failure to provide all requested information will delay processing.

d. Processing a Request for TR Designation as a Member of the Civilian Component.

(1) The determination that someone is a TR is limited by agreement of the U.S.-ROK SOFA Joint Committee to individuals who serve in three basic capacities--

(a) Special individual instructors or technical advisors: Such individuals might be dispatched to USFK to provide technical training, evaluation, installation or maintenance and inspection of complex military equipment or systems. Such training is often involved during the initial fielding of new equipment and systems and is provided by the equipment or system manufacturer. These individual trainers typically do not fall under any direct contractual obligation with the U.S. Government. See paragraph (para) 2-2 and 2-3 for more information.

(b) Individual medical and dental service personnel hired by USFK directly under a —personal services contract in lieu of direct government employment, which by the express terms or administration of the contract, makes the individual contractor appear, in effect, as an employee

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of the U.S. Government. Such personal services contractors fill voids in military and civilian component manning by providing personal medical and dental services to USFK personnel.

(c) Special individual vendor representatives provided by major U.S. manufacturers to ensure commissaries and exchanges in the ROK are properly stocked with American-style products and to act as the interface between U.S. commissaries and exchanges and U.S. suppliers of U.S. products. Such individuals are not under any contractual obligation to the U.S. Defense Commissary Agency or USFK.

(2) The Contracting Officer or the head of the SA shall submit a request for determination of TR status to FKAQ citing the applicable condition above, including an explanation of how the proposed TR meets the conditions of the citation (see Appendix D, Fig D-1), not later than 45 days prior to the date work is scheduled to commence in the ROK. With the designation request memorandum (Fig D-1), include a copy of the signature page of the applicable contract/modification that incorporates the —SOFA clause, period of performance page, and a copy of the Performance Work Statement (PWS)/ Statement of Work (SOW) to FKAQ. Failure to provide all requested information will delay processing. FKAQ will determine if the request meets the conditions previously outlined before processing the request IAW the U.S.-ROK SOFA and established Joint Committee procedures.

e. Processing Individual Contractor Employees and Dependents for SOFA Status (ICs and TRs).

(1) IAW USFK 190-7, paragraph 2-4a(3) IC status will supersede other non-SOFA personnel categories.

(2) Concurrent with the request for SOFA designation, the SA will appoint a RO/Alternate RO for the contract and submit an RO/Alternate RO Appointment Memorandum to FKAQ (see Appendix D, Fig D-3). The RO/Alternate RO will be the USFK focal point for verifying SOFA status entitlements and coordinating any logistic support for contractor employees and their authorized dependents. Approved USFK Form 700-19 will only be returned to the RO/Alternate RO listed on the appointment memo. In extenuating circumstances, the USFK Form 700-19 can be forwarded to the SA. IC/TR must immediately report any incidents involving injury or death of a ROK LN by IC/TR to the RO. The RO must immediately report any incidents involving injury or death of a ROK LN by IC/TR to appropriate USFK agency such as SJA, PMO, FKAQ, etc.

(3) SOFA status and logistical support authorization shall be verified for all individual employees and authorized dependents. The RO shall send a Letter of Accreditation to FKAQ listing all contract employees and dependents to be designated and their subject to availability USFK provided logistical support (see Appendix D, Fig D-4). FKAQ shall require contractor personnel to demonstrate their residence and citizenship by presenting their passport for review. Additionally, the RO, with assistance from the contractor, will prepare a USFK Form 700-19A-R-E (Invited Contractor and Technical Representative Personnel Data Report), (see Appendix C). The Letter of Accreditation and USFK Form(s) 700-19A-R-E shall be transmitted to FKAQ within 10 workdays of the arrival of any IC employees/dependents in Korea. Incomplete or late receipt of this information will delay individual employees/dependents SOFA designation and receipt of USFK provided logistical support. The following forms and all supporting documentation will be submitted to FKAQ for review;

(a) The USFK Form 700-19A-R-E is necessary to apply for base access media (Identification Card (ID)), SOFA status, and to receive any authorized, available logistics support. 8 USFK REG 700-19, 28 August 2012

(b) Contractor personnel are required to complete a USFK Form 700-19B-R-E, Application for Dependency Determination, US IC/TR (see Appendix D, Fig D-11) when claiming people other than spouse and children under 21 years of age (i.e., parents, parent-in-laws, stepchild, adopted child, or child ward) and provide source documentation as required (i.e. birth certificates, divorce/custody decrees, marriage certificates, etc). Dependents identified as Designated Country Personnel (DCP) shall provide a copy of their DCP approval in accordance with USFK Reg 190-7 when submitting the USFK Form 700-19A-R-E. Dependency determinations and DCP approval may require detailed analysis by USFK personnel and may delay USFK Form 700-19A-R-E approval.

(c) A current (90 days old or less) Provost Marshal Office (PMO) check and Ration Control check. If the contractor has a Ration Control or PMO violations the RO must submit a counseling action with these forms. PMO and Ration Control checks shall encompass all visits to the ROK.

(4) Article XV of the SOFA prohibits ICs and their dependents from engaging in business activities in the ROK. This provision is not applicable to TRs who obtain their SOFA status under Article I of the SOFA, vice Article XV. Ordinary employment by IC and IC dependents on SOFA designated contracts with USFK are not considered a business activity; ordinary employment by IC or IC dependents on the ROK economy are considered a business activity. The use of SOFA benefits for conducting business in the ROK is strictly prohibited. Any FKAQ determined violation may result in immediate termination of SOFA status of that individual and forfeiture of ID cards, ration control plates and all rights and privileges previously granted. If the sponsor loses his/her status, the status of any dependents shall also be terminated.

(5) The SA (via the RO) will determine the available logistics support to be provided to contractor employees and eligible dependents IAW the SOFA and USFK regulations. The employee will use the signed USFK Form 700-19A-R-E in conjunction with other applicable documents to receive the approved logistics support. The SA shall ensure all IC/TR employees comply with applicable provisions of USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK* and submit the training certificate to FKAQ. The training website is: <http://www.usfk.mil/usfk/theaterrequiredtraining.aspx>.

(6) The RO is responsible for all supporting documents for contractor employees and their authorized dependents while in Korea including processing requirements for logistics support. See paragraph 3-4 for details on all RO duties.

2-6. Termination and Withdrawal of SOFA Status

IC designation or TR status may be withdrawn by USFK under the following circumstances:

- a. Such shall be withdrawn for Invited Contractors/Technical Representatives business entities, upon contract expiration date (as noted on the USFK Form 700-19A-R-E) or termination of employment.
- b. Such may be withdrawn upon a determination the contractor or a contractor's IC/IC's dependents engaged in business activities in the ROK other than those designated by the U.S. Representative to the SOFA Joint Committee; or
- c. Such may be withdrawn upon a determination the contractor or a contractor's employee/employee's dependents engaged in practices in violation of USFK regulations and policies. 9 USFK REG 700-19, 28 August 2012

d. USFK/FKAQ is responsible for processing all IC/TR terminations and maintains the unilateral right to terminate IC/TR SOFA status.

2-7. Non-US Citizen Employees of Designated United States ICs

a. **ICs.** Non-US citizen employees (U.S. green card holders) of U.S.-ICs who ordinarily reside in the U.S. may qualify for SOFA status. Qualified employees may receive SOFA status and logistics support. Non-U.S. citizen employees of U.S. ICs who are not ordinarily residents in the U.S. do not qualify for SOFA status.

b. **TRs.** Non-US citizen TRs who are not ordinarily resident of Korea, possessing certain skills not available from U.S. or Korean sources may be designated TRs solely for the purpose of employment by U.S. Armed Forces in Korea. In addition to explaining how the employee meets the definition of TR, the Contracting Officer or head of the SA shall demonstrate that the skills required for contract performance are not available from ROK or U.S. sources. FKAQ approved Non-US citizen TRs receive the same SOFA benefits and logistics support as U.S. citizen TRs.

2-8. Requests for SOFA Designation for Third-Country Contractor Firms

a. Third-country contractor firms may be designated ICs under the SOFA. IAW Article XV of the SOFA, the Contracting Officer's request shall demonstrate a significant advantage for ROK-U.S. mutual defense by utilizing a third-country contractor in lieu of a ROK or U.S. Firm. IC requests for third-country contractors must be submitted to the ROK government for consideration prior to designation.

b. IAW Article XV of the SOFA, the U.S. Armed Forces may bring into the ROK, with SOFA status but without SOFA benefits, third-country contractor employees possessing special skills not available from the Korean labor force. Request to FKAQ shall clearly demonstrate the special skills required for contract performance are not available in the Korean labor force. Individual logistics support from U.S. Armed Forces is not available for third-country employees of third-country corporations. Such employees are eligible only for a USFK facilities/post pass with no logistics support privileges.

2-9. Subcontractors

Subcontractors and their employees/dependents are covered under the umbrella of the prime contractor for purposes of SOFA status for any work performed in Korea supporting the prime contractor's contractual obligation. Subcontractor corporations performing in Korea shall be identified in the prime contractor's request for IC designation. RO's shall ensure USFK Forms 700-19A-R-E and letters of accreditation reference the appropriate prime contractor and subcontractor(s) name and shall list all subcontractor employees and dependents. Subcontractors must meet the same criteria as prime contractors set forth in this regulation to receive SOFA benefits and USFK logistics support. Contracting officers will coordinate changes in subcontractors with FKAQ.

2-10. U.S.-Korean Joint Ventures

Only U.S.-Korean Joint Ventures established for the sole purpose of performing work for U.S. Armed Forces in Korea may qualify for SOFA status. Only the U.S. partner and its qualifying employees in the Joint Venture will be IC designated, eligible for SOFA benefits and USFK logistics support 10 USFK REG 700-19, 28 August 2012

Chapter 3

Duties and Responsibilities

3-1. U.S. Government Contracting Offices

The provisions of the U.S.-ROK SOFA supersede domestic law for both the ROK and the U.S. (See 17 UST 1677, TIAS 6127, or 674 UNTS 163.) All U.S. contracting offices awarding and administering contracts to be performed in the ROK in support of U.S. Armed Forces shall conform to the provisions of the U.S.-ROK SOFA and this regulation. Before awarding any contract for work to be performed in the ROK for the benefit of the U.S. Armed Forces, the contracting office awarding the contract shall coordinate with FKAQ and the USFK SA IAW the FAR sub-Part 25.8 and DFAR 225.7401 and PGI 225.7401, and the requirements listed in this regulation. Failure to coordinate may result in a refusal to allow the contractor to enter the ROK with the proper SOFA visa, delays in contract performance, and/or no logistics support for the contractor, its employees and dependents. U.S. or Third Country (TC) contractors working in the ROK without proper designation; or in the case of TC contractors, without proper immigration status, are in direct violation of the U.S.-ROK SOFA and ROK law and are subject to prosecution by ROK authorities.

3-2. Contracting Officers

a. Pre-solicitation coordination with FKAQ.

(1) The Contracting Officer shall submit a request for SOFA designation memorandum to FKAQ upon identifying a contract requirement for performance in the ROK. Along with the designation request memorandum (Fig D-1), include a copy of the solicitation/amendment that incorporates the —SOFA clause, funding line, Delivery Date/Period of Performance date and a copy of the Statement of Work (SOW)/Performance Work Statement (PWS) to FKAQ. The request shall be submitted to FKAQ at least 45 days before the scheduled contract performance in the ROK. See Appendix D, Fig D-1 for a sample request memorandum. Direct questions concerning this procedure to FKAQ (see Appendix E for FKAQ contact information).

(2) The Contracting Officer shall appoint a SA in Korea to coordinate contractor logistics support requirements and ensure all IC/TR employees comply with applicable USFK regulations and policies, especially provisions of USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*. All IC/TR theater training requirements should be completed prior to or immediately after IC/TR employee arrival in Korea.

(3) The Contracting Officer shall ensure all SOFA related contract clauses, including applicable clauses in Appendix B (or similar clauses) of this regulation, are included in both the solicitation and the awarded contract or through contract modification if original contract has been executed.

(4) The Contracting Officer will provide an information copy of the pre-solicitation request for SOFA status to the USFK SA.

b. Logistics Support coordination. The Contracting Officer shall coordinate the applicability and availability of USFK provided logistics support (corporate and individual) for contractors with the USFK SA prior to contract award. The USFK SA must coordinate any USFK provided logistics support with all cognizant installation administration officials/offices. Logistics support is provided on a —subject to availability/space available basis. USFK shall not be contractually bound to provide logistics support to contractors or contractor personnel. Contingency and/or wartime requirements shall include logistics support coordination for applicable contract requirements. 11 USFK REG 700-19, 28 August 2012

c. Post-award coordination. The Contracting Officer shall provide the information shown in the sample Post-Award Coordination Memorandum (see Appendix D, Fig D-2) to FKAQ, at least 10 workdays prior to the contractor beginning performance in the ROK.

d. Contract clauses/requirements. Contracts that include a requirement for performance in the ROK, shall include a specific clause that addresses requirements and obligations of the U.S.-ROK SOFA (—SOFA clause see Appendix B, Table B-1). A Wartime Contingency Clause and/or contingency contract requirements substantially similar to those set out in Appendix B, Table B-2 shall be included in contracts requiring continued performance during wartime or contingency conditions. As part of the SOFA designation request memorandum, contracting officers must verify subject contracts contain such language.

e. Extensions of performance period or follow-on contracts. Contracting Officers shall notify and provide a copy the contract extension modification to FKAQ at least 30 calendar days prior to expiration of the current contract to ensure no break in SOFA status. A copy of the contract extension modification must be submitted to FKAQ prior to SOFA status extension. Contracting Officers shall submit a request for contract designation for follow-on contracts awarded under a different contract number. Contracting Officers can submit one of three documents to request extension of SOFA designation: modification to extend contract which includes subject to availability funds clause, contract Notice-to-Proceed signed by the contracting officer, or fully funded modification. Failure to provide modification or other contracting actions in a timely manner may result in the contract losing its SOFA designation and contractor employees losing their IC/TR SOFA status.

3-3. United States Forces Korea (USFK) Sponsoring Agency (SA)

a. General.

(1) The USFK SA is the DOD organization located in the ROK designated to ensure the IC or TR is provided with logistics support. In many cases, the SA is the Unit Commander and/or equivalent of the contract requiring activity. SA must ensure RO training is completed within 90 days of appointment as the RO. RO training slide can be found at <http://www.usfk.mil/usfk/organization.fkaq.607>. The Contracting Officer shall, when possible, designate the SA during the pre-solicitation phase of the contracting cycle.

(2) The SA provides, or as necessary, terminates authorized logistics support to the IC/TRs in consultation with FKAQ, monitors the conduct of contractor personnel, and immediately notifies FKAQ of all changes in status.

(3) The SA shall designate a DOD military member or DOD employee as the RO and Alternate RO to act on behalf of the SA. The SA must be in the supervisory chain of the RO being appointed. The RO shall be an E5 or above, if military, GS-07 or above if civilian. The RO is directly responsible for administering appropriate logistics support for SOFA contractors during contract performance in the ROK.

b. SA duties. When a USFK unit or agency is notified by a contracting office that it has been appointed as a SA, the SA will--

(1) Communicate directly with the contracting office and provide a POC to the Contracting Officer. 12 USFK REG 700-19, 28 August 2012

- (2) Validate the availability of logistics support (both corporate and individual) that is stipulated in the terms of the solicitation or contract.
- (3) Provide the contracting office with information concerning security, access and training requirements pertaining to the area of contract performance.
- (4) Coordinate any special contract requirements, particularly contingency requirements, if included in the contract.
- (5) Ensure all IC/TR employees comply with applicable provisions of USFK regulations and policies, especially USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*. All IC/TR theater training requirements should be completed prior to or immediately after IC/TR employee arrival in Korea.
- (6) Notify FKAQ and the Contracting Officer in the event any contractor employee fails to comply with any contract contingency requirement (e.g., EEC physical, etc.).
- (7) Appoint RO and an alternate RO in writing for each contract. Provide a copy of the RO Appointment Memorandum to FKAQ and appointee. See Appendix D, Fig D-3 for a sample RO Appointment Memorandum. Update RO appointments, as needed, to ensure duties are performed for the entire contract period of performance in Korea.
- (8) Include non-emergency essential contractor employees and dependents and emergency essential contractor employees' dependents in USFK's Noncombatant Evacuation Operation (NEO) planning.
- (9) Include contractor operations in agency contingency planning including life support and force protection IAW USFK policy. For instance, see Army FM 3-100.21 for additional planning considerations.
- (10) Advise FKAQ of planned contractor wartime operating locations for each emergency-essential contractor employee.

3-4. Responsible Officer (RO)

a. General.

(1) The USFK RO or its Alternate is the DOD personnel located in the ROK designated to ensure the IC or TR is provided with logistics support. RO's cannot be self-appointed. Duties include determining available logistics support and assisting the employees and eligible dependents in obtaining support. The RO and the SA are jointly responsible for all contractor logistics support documents and must ensure issued items (Government Furnished Property or —GFPI) are returned to the appropriate offices when no longer authorized. The RO should be geographically and functionally situated to enable direct personal contact with contractor employees. The RO may be the same person as the contracting officer's representative (COR) or contracting officer's technical representative (COTR) but must be a Government employee (military or civilian). Multiple ROs may be appointed for the same contract depending on the number of contractor employees and the dispersal of geographic locations. The RO must take the RO training, provided by FKAQ, at the time of appointment (this is not the same as COR training). In addition, annual refresher RO training must be completed on the anniversary date of being appointed. 13 USFK REG 700-19, 28 August 2012

(2) RO functions include but are not limited to--

(a) Certification of SOFA status eligibility by reviewing all employee(s)/dependent(s) documents and submitting completed USFK Form 700-19A-R-E and supporting documentation to FKAQ.

(b) Coordination with FKAQ and property custodian (if applicable) for previously approved logistics support and administer such support for the contractor and authorized individual employees and dependents.

(c) Preparation of Letters of Accreditation for contractor personnel. (See Appendix D, Fig. D-4 for a sample Letter of Accreditation.)

(d) RO training slide is located at: <http://www.usfk.mil/usfk/organization.fkaq.607>

(e) Ensuring contractor employees out-process properly, to include collecting all logistics support documents (CAC/ID cards, Ration Control Plates (RCP), SOFA vehicle license plates, etc.), and GFP and returning them to the appropriate offices. Indicate completion by closing out each contractor employee's USFK Form 700-19A-R-E and returning the original to FKAQ.

(f) Ensuring coordination, and where appropriate, initiation of administrative action in reported instances involving violations of SOFA status privileges or misconduct on the part of IC/TR personnel and their dependents.

(g) The RO must immediately report any incidents involving injury or death of a ROK LN by IC/TR to appropriate USFK agency such as SJA, PMO, FKAQ, etc.

b. USFK Form 700-19A-R-E (formerly, USFK Form 175-R).

(1) The RO will provide each contractor employee a typed USFK Form 700-19A-R-E. Each completed form and supporting documentation must be submitted to FKAQ and approved prior to contractor employee performance in the Republic of Korea. Contractors shall assist the RO in completing the form.

(2) The USFK Form 700-19A-R-E is valid only for the funded period of performance of the contract as reported by the Contracting Officer during the designation process. Initial issue of logistics support documents (CAC/ID cards, RCPs, vehicle registration, etc.) and GFP must be completed within 30 calendar days of FKAQ's verification date.

(3) Prior to submitting the USFK Form 700-19A-R-E Packet to FKAQ, the RO shall--

(a) Ensure Parts I and II are signed and properly completed.

(b) PMO and Ration Control checks shall encompass all visits to the ROK. Request PMO and Ration Control checks for new arrivals if IC's passport indicates prior ROK SOFA status. Request PMO and Ration Control checks for contractor personnel and dependents for any USFK Form 700-19A-R-E change of data (e.g., employment under a new contractor or contract period of performance is extended). The RO is responsible for counseling contractors who have ration control and PMO violations and providing copies of the counseling to FKAQ. Submission of requests for ration control and Provost Marshal checks may be submitted in memorandum format

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when USFK Forms 217 and 237 are in use. However, FKAQ may require a copy of the employee's passport to verify new arrival status. See Appendix D, Figs D-5 and D-6 for sample memorandums. Previous PMO or RCP violations may result in the denial of logistics support. Provost Marshal background and RCP checks are valid for 90 calendar days from date of issuance.

(c) Certify that PMO/RCP information is correct by signing the form as the RO.

(d) Provide all supporting documentation to determine —ordinarily residence and dependency status.

(e) Include a copy of the Letter of Accreditation with the USFK Form 700-19A-R-E.

(f) Provide the 700-19 packet to FKAQ for processing.

(4) After FKAQ stamps and signs the USFK Form 700-19A-R-E, the RO will--

(a) Submit changes in data to FKAQ on a new USFK Form 700-19A-R-E, along with required documents.

(b) Retain one copy of the original and any changes and provide one copy to the contractor employee.

(c) Assist the contractor in obtaining authorized, available logistics support.

(d) If an employee changes employment from one contract to another contract or from one contractor to another contractor, the RO must close out the original USFK Form 700-19A-R-E by completing Part IV and submitting it to FKAQ. A new USFK Form 700-19A-R-E shall be submitted to FKAQ with new employment information for contractor personnel remaining in the ROK. FKAQ will not process changes in employment status until the RO completes Part IV of the original USFK Form 700-19A-R-E.

c. ROK Visa and SOFA Verification.

(1) The RO shall ensure all incoming contractor personnel and their dependents have the appropriate ROK Multiple Entry Permit Visa or a SOFA verification stamp entered into the employee/dependent passport. Failure to obtain the proper visa can result in loss of status.

(2) The RO shall provide USFK FL 1EK (HQ United States Forces Korea SOFA Card) to all incoming contractor employees and their dependents.

d. Government provided Identification (ID) cards. The RO shall assist authorized contractor employees and dependents with obtaining ID cards.

e. Ration Control Plates (RCPs).

(1) The RO will assist the contractor employees/dependents in obtaining a RCP.

(2) The RO will request a RCP check for contractor personnel and dependents when the USFK Form 700-19A-R-E is changed (see sample memorandum in Appendix D, Fig D-6).

If previous violations of ration control regulations and rules are identified, ration privileges or other logistics support may be denied. RCP checks are valid for 90 days from date of issuance.

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f. Vehicles and Driver's Licenses.

(1) Company Vehicles. The RO shall review and approve/disapprove all company requests to import and/or register company vehicles required for the execution of contract obligations. The RO shall consider the quantity and types of vehicles requested. Approval must be obtained before importation or local purchase and registration. The RO will ensure that ownership documents, importation or exportation, registration, and disposition of company-owned vehicles are undertaken IAW USFK Reg 190-1.

(2) Privately Owned Vehicles (POVs). USFK registration of POVs is a privilege subject to USFK approval. The RO should use USFK criteria for approvals; for example, junior grades usually are not permitted to import or register vehicles. The RO will ensure that POV ownership documents, importation or exportation, registration, and disposition as well as individual licensing are undertaken IAW USFK Reg 190-1.

(3) All contractor employees/dependents must meet the licensing requirements to legally drive on Korean roads IAW USFK Reg 190-1.

g. Dependent Education. The RO shall assist contractor employees/dependents with Department of Defense Dependent School (DODDS) enrollment. Enrollment in tuition-paying basis is a privilege subject to availability, eligibility, and approval. The contractor will prepare memorandums, if necessary, to the Director of DODDS in Korea in order to validate the enrollment status of contractor employee dependents. See Appendix D, Fig D-7 for a sample memorandum. The RO shall verify on an annual basis on IC dependents that are full time college students and must notify FKAQ of any changes of enrollment.

h. Out-processing and discharged employees.

(1) The RO shall complete Part IV of the USFK Form 700-19A-R-E verifying that all out-processing contractor employees/dependents--

(a) Turn in all USFK ID cards to proper issuing authorities.

(b) Turn in all RCPs to proper issuing authorities per USFK Reg 60-1.

(c) Properly close out motor vehicle registration by turning in decals, plates, related paperwork; and ensure proper disposition of such vehicles (the contractor is liable, on a non-reimbursable basis for the disposal of any abandoned vehicles.)

(d) Out process from USFK agencies providing SOFA benefits and logistics support privileges (such as post offices, libraries, banks, credit unions, social clubs, etc.).

(2) The RO shall notify the USFK Provost Marshal (FKPM-S), whenever IC employees and TRs are discharged from their employment or otherwise denied access to USFK installations. (See sample memorandums in Appendix D, Fig D-8 and D-9). The RO will verify contractor employee/dependents employment status and submit a report to FKAQ annually as required by FKAQ. The RO shall compare current USFK Forms 700-19A-R-E to the contractor's employment records. If the employee is no longer working for the company or has departed the ROK, the RO will ensure the original USFK Form 700-19A-R-E is closed out and returned to FKAQ within 10 business days. 16 USFK REG 700-19, 28 August 2012

i. Violations of SOFA status or privileges. The RO will assist with any administrative action for all reported contractor logistics support, administrative, or criminal violations IAW the procedures listed below. All contractor violations will be reported to FKAQ immediately. Each RO will consult with FKAQ about appropriate responses to violations and report all actions taken against ICs and TR personnel and/or their dependents.

(1) If FKAQ receives a law enforcement report or other report of derogatory information concerning a contractor, contractor employee or dependent, FKAQ will send a copy of the report to the RO with a request for action and/or explanation. Upon receiving this request, the RO will—

(a) Investigate the circumstances surrounding the report.

(b) Take immediate corrective action. If a report pertains to a violation of the USFK Ration Control System (USFK Reg 60-1), the RO must take immediate, suitable action. Depending on the severity of the violation some examples of corrective action might include--

- First-time offense - probation or a suspension of logistics support privileges for a period of time (e.g., three months).
- Second offense - a longer suspension of logistics support privileges (e.g., six months).
- Third offense - permanent suspension of logistics support privileges.
- If the violation is extreme, such as black marketing, then a one-year suspension or permanent revocation of logistics support privileges and/or SOFA status may be immediately justified.

(2) The RO shall confiscate all ID cards, RCPs and SOFA vehicle license plates when corrective action includes a suspension or revocation of privileges. The RO may request law enforcement assistance in confiscating these items. The RO may authorize a post pass (see USFK Reg 190-7) in lieu of a confiscated individual ID card unless installation access is also denied.

(3) Suspicion of the conduct of business activities in the ROK other than for the U.S. Armed Forces shall be reported immediately to FKAQ.

(4) For other reported violations, such as criminal activity or violations of regulation, the RO, acting on behalf of the SA, will assess the circumstances surrounding the reported violation and take appropriate action.

(5) If necessary, the RO will consult with the appropriate USFK law enforcement, judge advocate, base or garrison/Area commander and cognizant contracting officer for advice and counsel to determine appropriate disposition.

(6) The RO may also recommend to FKAQ that action be taken to withdraw SOFA status or logistics support for a contractor or for a specific employee/dependent for a severe violation. If SOFA status is withdrawn, all logistics support privileges for the individual and his/her dependents will automatically terminate. If a dependents derives their status solely from their sponsor, if that 17 USFK REG 700-19, 28 August 2012

sponsor's SOFA status is withdrawn, all such dependents will also have their SOFA status withdrawn. Once withdrawn for cause, SOFA status is not usually reinstated.

(7) Notify FKAQ, in writing, of all administrative actions taken.

j. RO's must be appointed as Trusted Agents (TA) for the Contractor Verification System (CVS), when practical. RO's and TA's are involved with contract management and contractor personnel matters and efficiencies will be realized once these functions are combined. The Department of Army Memorandum —Contractor Verification System (CVS) Program Implementation dated October 11, 2006 lists the roles and responsibilities of the TA. Once appointed as TA, email: ahrc.army.cvsteam@us.army.mil for instructions/duties involving TA's.

3-5. Invited Contractor/Technical Representative

IC/TR responsibilities include but are not limited to--

- a. Assisting the RO in processing contractor employees and dependents for logistics support privileges.
- b. Assisting the RO in verifying employment status for the annual verification of employment reports to FKAQ.
- c. Notifying the RO whenever any condition set out on their employees' USFK Form 700-19A-R-E changes.
- d. Notifying the RO whenever their SOFA designated employees are discharged from their employment or otherwise denied access to USFK installations per USFK Reg 190-7.
- e. Along with its employees and dependents, complying with USFK Reg 190-1 when operating company and POVs on all U.S. military installations in the ROK.
- f. Except for contractor air crews flying Air Mobility Command missions, all U.S. contractors performing work on USAF classified contracts will report to the nearest Security Forces Information Security Section for the geographical area where the contract is to be performed to receive information concerning local security requirements.
- g. Ensuring its employees complete administrative tasks to out-process and depart the Republic of Korea no later than the estimated date of departure from Korea date as listed on the USFK Form 700-19A-R-E.
- h. Ensuring all IC/TR employees comply with applicable provisions of USFK regulations and policies, especially USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*.
- i. Contractors shall comply with all USFK regulations, policies and procedures.
- j. IC/TR must immediately report any incidents involving injury or death of a ROK LN by IC/TR to the RO.

3-6. USFK Assistant Chief of Staff, Acquisition Management (FKAQ)

- a. FKAQ will provide information and assistance on the implementation and execution of the procedures described in this regulation to all USFK commands, contracting officers, and all 18 USFK REG 700-19, 28 August 2012

requiring and sponsoring activities, in and outside the ROK. FKAQ, in coordination with the U.S. SOFA Secretariat and USFK/SJA SOFA attorney, will establish policy and guidance which implements the provision of the U.S.-ROK SOFA as it pertains to ICs and TRs.

b. FKAQ will review requests for contract designation against the prerequisites of the SOFA for IC and TR status.

(1) FKAQ, in coordination with appropriate USFK staff elements, will determine if the proposed contract qualifies for SOFA status and advise the contracting office of its findings or any action being taken.

(2) FKAQ will notify the contracting office and the SA of the SOFA designation and advise on administrative and logistics support responsibilities required by the SOFA and this regulation.

c. FKAQ may initiate actions to withdraw or deny SOFA status upon determination that a regulatory violation has occurred.

d. FKAQ will process and provide the original stamped USFK Form 700-19A-R-E to the SA or RO. All other forms submitted to FKAQ will not be returned. Paper copies will not be furnished by FKAQ.

Chapter 4

Logistics support

4-1. Policy

a. Corporate and individual logistics support may be provided to USFK ICs and TRs only IAW the U.S.-ROK SOFA, USFK regulations, and subject to availability. However, under no circumstances can a contract grant access privileges that are broader than USFK regulations or the U.S.-ROK SOFA.

b. USFK will not provide logistics support to contractors in the ROK unless such contractors are eligible for SOFA status.

c. The USFK SAs have overall responsibility for obtaining and/or providing logistics support for ICs and TRs. (See Chapter 3 for responsibilities of the SA and the RO.)

d. Full logistics support may be provided only to full-time contractor employees of properly designated ICs and TRs.

e. Logistics support is a privilege provided by USFK and is not a contractual right. SOFA status is a precondition for USFK logistics support for the contractor and its employees and their dependents and is subject to availability/space available. Purchases in the Post Exchange or Base Exchange, commissary, and class VI store are subject to quantity limitations under a computerized ration control system. Over-purchases or other violations of USFK regulations by contractor employees and dependents may result in the loss of logistics support and SOFA status.

4-2. Government Provided Logistics Support, Corporate

Specific logistics support provided to a specific IC or TR (corporate/company entity) must be coordinated between the Contracting Officer and the USFK SA. The SA must agree to provide specific logistics support prior to the contractor's arrival in the ROK. Examples include use of 19 USFK REG 700-19, 28 August 2012

military postal facilities for official corporate/company mail, office space, telephones, company fuel purchases, the number and type of company owned vehicles authorized to be registered, etc.

4-3. Government Provided Logistics Support, Employee

a. Contractor employees and their dependents may be provided logistics support IAW the U.S.-ROK SOFA, USFK regulations and subject to availability/space available. To be authorized logistics support from USFK, a dependent must be a lawful dependent of the contractor employee (see Glossary for definitions) and, for ICs but not TRs, be living in Korea with the employee. See Tables 4-1 and 4-2 for examples of available logistics support.

b. Some specific logistics support will be provided on a space available and/or reimbursable basis. If logistics support is provided on a reimbursable basis, contractor personnel and their dependents will be required to pay prevailing rates or fees for the logistics support received.

c. Eligibility for support for SOFA designated contractor employees and their dependents will be classified in one of the following three categories:

(1) **Full Logistics Support** – A TR or full-time contractor employee who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, has ordinarily resident in the U.S. status, and employed in a full-time paid status with a period of performance greater than 179 days qualifies for full logistics support. Dependents of such TRs and full-time contractor employees may also receive full logistics support. (See Table 4-1) All contractor employees and their dependents authorized full logistics support will receive ID cards and RCPs. Local hires meeting the criteria, above, are eligible for full logistics support.

(2) **Individual Logistics Support** – A full-time contractor employee who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, has ordinarily resident in the U.S. status, and employed in a full-time paid status with a period of performance of 179 days or less qualifies for individual logistics support. Local hires meeting the criteria, above, are eligible for individual logistics support. Additionally, contractor employees meeting the criteria the full logistics support but whose dependents do not meet the requirements for dependents of civilian local hires set out in USFK Reg 60-1, may be eligible for individual logistics support and not full logistics support.

(3) **No Support** - While SOFA status may be granted to third-country national employees and to part-time contractor employees, no logistics support is authorized for part-time contractor employees or their dependents. Part-time is paid status of less than 40 hours per week.

4-4. Academic Institution/Transition Services Personnel

a. This section applies only to academic institution instructors, training center managers, test examiners, military occupational specialty/vocational instructors and transition program providers. All other employees of contracted academic institutions will use the criteria in paragraph 4-3 for determining logistics support.

b. Full-time academic institution instructors (as defined in the contract with the academic institution) may receive full logistics support. Part-time instructors may receive logistics support on a case-by-case basis as determined by FKAQ in coordination with the Contracting Officer and SA.

c. Learning center managers, test examiners, military occupational specialty/vocational instructors, and transition program providers locally hired are considered full-time employees if

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working 20 hours or more per week for the purposes of determining logistics support as set out in paragraph 4-3.

4-5. Identification (ID) Cards

- a. All SOFA-designated contractor employees residing in the ROK for 30 days or more will be issued a U.S. ID card. Contractor employees with wartime or contingency performance requirements specified in the IC's contract will be issued ID cards identifying the employee as being subject to the Geneva Convention. SOFA designated contractor employees remaining in the ROK for fewer than 30 days will be issued a USFK 37EK (Auto)(USFK Pass/ID-Employee). Dependents of such contractor employees issued the USFK 37EK (Auto) are not authorized any U.S. Government ID card and will not be issued a USFK 37EK (Auto).
- b. TRs and SOFA-designated IC employees and dependents issued an ID card will have authorized logistics support (subject to Paragraph 4-3 above), such as access to military exchanges, commissaries, morale, welfare and recreation facilities, etc., annotated in the appropriate place on the ID card. Grade or rank equivalents will not be specified on the ID card for IC employees or dependents. A DD Form 1173 (Uniformed Services Identification and Privilege Card) without any privileges annotated may be issued to SOFA-designated contractor employees and dependents not authorized logistics support but who are provided status under the SOFA.
- c. SOFA-designated contractors performing duties in the ROK for less than 30 days shall be issued a USFK 37EK (Auto) Post Pass. The USFK 37EK (Auto) does not entitle the bearer to duty-free goods. Contractors issued a USFK 37EK (Auto) require a passport or valid U.S. Driver's License, orders, and USFK Form 43-3 (USFK Temporary RCP) to access duty free-goods and MWR facilities IAW USFK Reg 60-1.
- d. ID card requirements for IC/TR personnel discussed in this section are separate and distinct from any other contract-specific or work-site specific identification requirements placed upon contractor personnel (IC/TR or otherwise) performing contracts in support of USFK. 21 USFK REG 700-19, 28 August 2012 **Table 4-1**

Full Logistics Support Privileges

Contractor employees and authorized dependents, meeting the criteria set out in this regulation may be provided all of the logistics support listed below if properly authorized, on a **space-available basis** unless specifically excluded by the terms of their U.S. Government contract.

1. SOFA immigration status and SOFA visa for contractor employee and lawful dependents.
2. Duty-free importation privileges IAW the SOFA and USFK regulations.
3. ID Card.
4. USFK Form 73 (USFK Ration Control Plate).
5. Full Post Exchange (PX) or Base Exchange (BX) privileges.
6. Full commissary privileges.
7. Full Class VI store privileges (alcoholic beverage package store).
8. Purchase of gasoline and petroleum, oil and lubricant products at PX or BX facilities.
9. Military postal service privileges (APO and FPO).
10. Military banking and credit union privileges.
11. Motor vehicle operator's permit.
12. Registration of one POV per family.
13. Registration of pets.
14. Medical services on a reimbursable basis.

15. Dental services for emergency care only on a reimbursable basis.
16. Mortuary services on a reimbursable basis.
17. Access to Department of Defense Dependent Schools on a space available basis.
18. Continuing education programs on a space available basis.
19. Officers, noncommissioned officers, and enlisted members clubs subject to local policies.
20. Morale, welfare, and recreation facilities.
21. Use of Armed Forces Recreation center facilities on a space available basis.
22. Legal assistance on a space available basis.
23. Billeting and messing facilities (remote sites only, space available basis).
24. Housing referral services (limited to translation assistance and explanation of host country rental laws and utility and telephone services).
25. NEO registration of employees and dependents are authorized.

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